FEDERAL REGISTER

VOLUME 6 NUMBER 40

Washington, Thursday, February 27, 1941

The President

CONTROL OF THE EXPORT OF CERTAIN ARTICLES AND MATERIALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense," approved July 2, 1940, provides as follows:

Sec. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or material, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after March 10, 1941, the following-described articles and materials shall not be exported from the United States except when authorized in each case by a license as provided for in Proclamation No. 2413 [1] of July 2, 1940, entitled "Administration of section 6 of the Act entitled 'AN ACT To expedite the strengthening of the national defense' approved July 2, 1940":

(1) Belladonna
(2) Atropine
(3) Sole Leather
(4) Belting Leather

[1] 5 F.R. 2467.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 25th day of February, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2460]

[F. R. Doc. 41-1374; Filed, February 25, 1941; 4:49 p. m.]

CONTROL OF THE EXPORT OF CERTAIN ARTICLES AND MATERIALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense," approved July 2, 1940, provides as follows:

SEC. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or material, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim that upon the recommendation

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THE PRESIDENT

RULES, REGULATIONS, ORDERS

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FEDERAL REGISTER

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of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after this date the following-described articles and materials shall not be exported from the United States except when authorized in each case by a license as provided for in Proclamation No. 2413 of July 2, 1940, entitled "Administration of section 6 of the Act entitled 'AN ACT To expedite the strengthening of the national defense' approved July 2, 1940.":

(1) Beryllium
(2) Graphite electrodes
(3) Aircraft pilot trainers

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 25th day of February, in the year of our Lord nineteen hundred and [SEAL] forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2461]

[F. R. Doc. 41–1375; Filed, February 25, 1941; 4:49 p. m.]

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE EXPORTATION OF ARTICLES AND MATERIALS DESIGNATED IN THE PRESIDENT'S PROCLAMATION OF FEBRUARY 25, 1941, ISSUED PURSUANT TO SECTION 6 OF THE ACT OF CONGRESS APPROVED JULY 2, 1940, AND AMENDING REGULATIONS OF JANUARY 15, 1941, COVERING THE EXPORTATION OF CERTAIN ARTICLES AND MATERIALS

Pursuant to the authority vested in me by the provisions of section 6 of the act of Congress approved July 2, 1940, entitled "AN ACT To expedite the strengthening of the national defense," I hereby prescribe the following additional regulations governing the exportation of the articles and materials designated in my proclamation of February 25, 1941:

1. The articles and materials designated in my proclamation of February 25, 1941, pursuant to section 6 of the act of July 2, 1940, shall be construed to include the following:

	B	F
(1.) Belladonna:		
Belladonna Leaves, U. S. P. (Belladonnae Folium):		
Belladonna Plaster U. S. P. (Emplastrum Belladonnae)	2209*	2209*
Extract of Belladonna, U. S. P. (Extractum Belladonnae)	2209*	2209*
Fluid Extract of Belladonna Leaf, N. F. (Fluid extractum Belladonnae Folii)	2209*	2209*
Tincture of Belladonna, U. S. P. (Tinctura Belladonnae)	2209*	2209*
Belladonna Ointment, U. S. P. (Unguentum Belladonna)	2209*	2209*
Belladonna Root, U. S. P. (Belladonnae Radix):		
Fluid Extract of Belladonna Root, U. S. P. (Fluid extractum Belladonnae Radicis)	2209*	2209*
Belladonna Liniment, N. F. (Linamentum Belladonnae)	2209*	2209*
(2.) Atropine:		
Atropine, U. S. P. alkaloid (atropine, atropia):		
Atropine Hydrobromide	8127.9*	8180*
Atropine Hydrochloride	8127.9*	8180*
Atropine Methylbromide	8127.9*	8180*
Atropine Methylnitrate	8127.9*	8180*
Atropine Nitrate	8127.9*	8180*
Atropine Salicylate	8127.9*	8180*

(2.) Atropine—Con.		
Atropine, U. S. P. alkaloid (atropine, atropia)—Con.	B	F
Atropine Sulfate, U. S. P. (Atropine Sulfae)	8127.9*	8180*
Atropine Sulfuric Acid	8127.9*	8180*
Atropine Valerate	8127.9*	8180*
(3.) Sole Leather Bends, backs, and sides	0324	0328
(4.) Belting Leather	0330	0359*

2. The numbers appearing in the columns designated B and F in paragraph 1 hereof refer to the numbers in Schedule B "Statistical Classification of Domestic Commodities Exported from the United States," and Schedule F "Foreign Exports (Re-Exports)," respectively, issued by the United States Department of Commerce, both effective January 1, 1941. The words are controlling and the numbers are included solely for the purpose of statistical classification. An asterisk (*) indicates that the classification herein is not co-extensive with that in said Schedules B and F.

3. Regulations 2 to 12 inclusive of the Regulations issued July 2, 1940,[1] pursuant to section 6 of the act of July 2, 1940, are applicable to the exportation of the articles and materials listed in paragraph 1 (1.) through (4.) inclusive.

4. Executive Order No. 8640[2] is hereby amended to include within its provisions the articles and materials designated in my proclamation of February 25, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 25, 1941.

[No. 8693]

[F. R. Doc. 41-1376; Filed, February 25, 1941; 4:49 p. m.]

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE EXPORTATION OF ARTICLES AND MATERIALS DESIGNATED IN THE PRESIDENT'S PROCLAMATION OF FEBRUARY 25, 1941, ISSUED PURSUANT TO SECTION 6 OF THE ACT OF CONGRESS APPROVED JULY 2, 1940, AND AMENDING REGULATIONS OF JANUARY 15, 1941, COVERING THE EXPORTATION OF CERTAIN ARTICLES AND MATERIALS

Pursuant to the authority vested in me by the provisions of section 6 of the act of Congress approved July 2, 1940, entitled "AN ACT To expedite the strengthening of the national defense," I hereby prescribe the following additional regulations governing the exportation of the articles and materials designated in my proclamation of February 25, 1941:

1. The articles and materials designated in my proclamation of February 25, 1941, pursuant to section 6 of the act of July 2, 1940, shall be construed to include the following:

(1.) Beryllium:	B	F
Ores and concentrates (except gem varieties)	6245*	6640*
Metal, alloys and scrap	6249*	6640*
Beryllium salts and compounds	8399.9*	8399*
(2.) Graphite electrodes	5473	5960*
(3.) Aircraft Pilot Trainers:	9190*	9190*
Trainers for ground instruction of pilots, student pilots, and combat crews for aircraft in instrument flying, navigation, bombing, or gunnery		

2. The numbers appearing in the columns designated B and F in paragraph 1 hereof refer to the numbers in Schedule B "Statistical Classification of Domestic Commodities Exported from the United States," and Schedule F "Foreign Exports (Re-Exports)," respectively, issued by the United States Department of Commerce, both effective January 1, 1941. The words are controlling and the numbers are included solely for the purpose of statistical classification. An asterisk (*) indicates that the classification herein is not co-extensive with that in said Schedules B and F.

3. Regulations 2 to 12 inclusive of the Regulations issued July 2, 1940,[1] pursuant to section 6 of the act of July 2, 1940, are applicable to the exportation of the articles and materials listed in paragraph 1 (1.) through (3.) inclusive.

4. Executive Order No. 8640[2] is hereby amended to include within its provisions the articles and materials designated in my proclamation of February 25, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 25, 1941.

[No. 8694]

[F. R. Doc. 41-1377; Filed, February 25, 1941; 4:49 p. m.]

[1] 5 F.R. 2469.
[2] 6 F.R. 455.

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

[Memorandum No. 889]

DELEGATION OF AUTHORITY TO THE SOLICITOR TO EXECUTE RELEASES

Pursuant to the authority vested in the Secretary of Agriculture by law (Rev. Stat. 161; 5 U.S.C. 22), the Solicitor of the Department of Agriculture (and, in his absence, the Acting Solicitor) is hereby authorized to execute a release of liability, with respect to damage caused to property of the United States under the control of the Department, when payment of the full amount of such damage shall have been received from or on behalf of the person or persons responsible for such damage.

Done at Washington, D. C., this 25th day of February 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-1414; Filed, February 26, 1941; 11:50 a. m.]

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGES FOR PERSONS EMPLOYED IN THE PRODUCTION, CULTIVATION OR HARVESTING OF SUGARCANE IN PUERTO RICO DURING THE CALENDAR YEAR 1941

Whereas section 301 (b) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

and whereas The Secretary of Agriculture, on January 7, 1941, held a public hearing in San Juan, Puerto Rico, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico during 1941.

Now, therefore, I, Claude R. Wickard, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination:

§ 802.44c *Fair and reasonable wages for persons employed in the production, cultivation or harvesting of sugarcane in Puerto Rico during the calendar year 1941*—(a) *Day rates for persons employed on farms other than interior farms.* All persons employed on farms other than interior farms on a day basis in the production, cultivation, or harvesting of sugarcane with respect to which application for payment under the

Sugar Act of 1937, as amended, is made shall be paid wages in cash therefor at rates not less than the following:

For the first eight hours of work performed in any 24-hour period: For handling carts in operations other than harvesting, $1.10; cutting cane, operating winches, making ditches and operating irrigation pumps, $1.21; loading cane on railroad cars (including cars on portable track) and handling portable track, $1.45; handling carts in harvesting operations, $1.38; loading cane carts, $1.32; driving tractor plows, $1.70; and for all other kinds of work, not less than $1.00: *Provided, however,* That for ditch makers or cleaners who work in water, the applicable rate shall be for the first seven hours of work performed in any 24-hour period.

(b) *Day rates for persons employed on interior farms.* All persons employed on interior farms on a day basis in the production, cultivation, or harvesting of sugarcane with respect to which application for payment under the said Act is made shall be paid wages in cash therefor at rates not less than the following:

For the first eight hours of work performed in any 24-hour period: For handling carts in operations other than harvesting, $1.00; cutting cane, operating winches, making ditches and operating irrigation pumps, $1.10; loading cane on railroad cars (including cars on portable track) and handling portable track, $1.38; handling carts in harvesting operations, $1.21; loading cane carts, $1.21; driving tractor plows, $1.54; and for all other kinds of work, not less than $1.00: *Provided, however,* That for ditch makers or cleaners who work in water, the applicable rate shall be for the first seven hours of work performed in any 24-hour period.

(c) *Hourly rates.* All persons employed on a farm on an hourly basis in the production, cultivation, or harvesting of sugarcane with respect to which application for payment under the said Act is made shall be paid in cash the hourly equivalent of the rates provided in paragraph (a) or (b) above, whichever paragraph is applicable.

(d) *Overtime.* All persons employed on a farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment under the said Act is made shall be paid for more than eight hours (or seven hours for ditch makers or cleaners who work in water) in any 24-hour period at a rate double the hourly equivalent of the rates provided in paragraphs (a), (b), and (c) hereof.

(e) *Piece rates.* All persons employed on a piece rate basis in the production, cultivation, or harvesting of sugarcane with respect to which application for payment under the said Act is made shall be paid wages in cash therefor at rates not less than the greater of either:

(1) The piece rates established for similar work performed on the farm for the calendar year 1939; or

(2) The hourly, or the overtime, equivalent of the rates provided in paragraph (c) or (d) above, whichever paragraph is applicable.

(f) *Bonus.* For each fortnight of the period from January 1, 1941, to June 30, 1941, both inclusive, the aforesaid wage rates shall be increased in accordance with the scale set forth below, whenever the average price of raw sugar, duty paid basis, is $3.00 or more, per hundred pounds, for any such fortnight:

Fortnightly average price of sugar per cwt.:	*Increase per day over basic day wage (cents)*
$3.00 but not more than $3.249	10
More than $3.249 but not more than $3.499	20
More than $3.499 but not more than $3.749	30
More than $3.749	40

The average price of raw sugar, duty paid basis, shall be determined in accordance with the prevailing method used between processors and growers for the computation of the price of sugarcane. The above increases shall also be applied to the daily earnings or workers employed on a piece-work basis. Payment for part of a day's work on a day or piece-work basis shall be paid in proportion.

(g) *General provisions.* (1) Interior farms shall be deemed to be those farms the sugarcane from which is marketed (or processed) at mills located in the mountain sections of the island and whose 1938 production did not exceed 3,000 short tons of sugar, raw value.

(2) The producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a dwelling, garden plot, pasture lot, and medical services; and the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

(3) Nothing in this determination shall be construed to mean that a producer may qualify for a payment under the said Act who has not paid in full the amount agreed upon between the producer and the laborer. (Sec. 301, 50 Stat. 909; 7 U.S.C., 1131)

Done at Washington, D. C., this 26th day of February, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary.

[F. R. Doc. 41-1411; Filed, February 26, 1941; 11:50 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 101, Civil Air Regulations]

AMENDING AERONAUTICAL SKILL REQUIREMENTS FOR PRIVATE AND COMMERCIAL PILOT CERTIFICATES

PART 20—PILOT RATINGS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 25th day of February 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 602 (a) and 602 (b) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective March 11, 1941, the Civil Air Regulations are amended as follows:

1. By amending § 20.127 to read as follows:

§ 20.127 *Aeronautical skill.* Applicant shall satisfactorily demonstrate his ability to pilot aircraft in solo flight and, in addition to normal take-offs, turns, and landings, to perform satisfactorily the following maneuvers:

(a) A series of three landings from an altitude not to exceed 1,000 feet, with engine throttled and a 180° turn, the aircraft touching the ground in normal landing attitude beyond and within 300 feet of a line or point designated by the examining inspector for the Administrator.

(b) A spiral in each direction of not less than three full turns, in a banked attitude of not less than 60°, with engine throttled.

(c) The following three maneuvers: (1) Three shallow figure eights either "on pylon" or "around pylon"; (2) three steep figure eights either "on pylon" or "around pylon"; and (3) one 720° power turn in each direction in a banked attitude of at least 60°. During each of these maneuvers the total variation in altitude shall not exceed 200 feet.

(d) A right-hand and a left-hand spin, each of at least one full turn.[4]

(e) Coordination exercises, straight climbs, climbing turns, slips and emergency maneuvers such as simulated forced landings, recovery from stalls entered from both level and steeply banked attitudes, and such other maneuvers as the examining inspector for the Administrator may deem necessary and appropriate to demonstrate the competency of the applicant for the certificate or rating sought.

(f) Under ordinary circumstances, none of the maneuvers provided for in § 20.127 shall be disregarded, but any such maneuver may be modified or eliminated by the examining inspector for the Administrator if such action is appropriate to the special characteristics of the aircraft used in the test. In any such case the applicant shall be limited to the particular makes and models, or general types, of aircraft specified in his Airman Rating Record.

2. By amending § 20.127 to read as follows:

§ 20.147 *Aeronautical skill.* Same as in § 20.127 except as follows:

[4] At his discretion, the examining inspector may ride with the applicant during these maneuvers or may permit a certificated instructor to do so.

(a) In the maneuvers required by § 20.127 (a), the aircraft shall touch the ground within 200 feet beyond the line or point designated.

(b) In each of the maneuvers required by § 20.127 (c) the total variation in altitude shall not exceed 100 feet.

(c) In the spins required by § 20.127 (d), the applicant shall perform a two-turn spin in each direction with an error of not more than plus or minus 10 degrees.

3. By striking Note 13 to § 20.60 (b) and substituting in lieu thereof the following:

[13] This section does not permit a person limited to the operation of aircraft incapable of spinning under §§ 20.107 and 20.127 (f) to operate aircraft which are capable of spinning, nor does it permit persons, who, by reason of physical deficiencies or for other reasons, have been limited under § 20.124 to the operation of a particular make or model of aircraft or a general type of aircraft, to operate other makes or models or other general types.

PART 21—AIRLINE TRANSPORT PILOT RATING

4. By amending § 21.174 (e) to read as follows:

§ 21.174 (e) Sections 21.170 through 21.173 shall be applicable when the flight tests are conducted in aircraft of a gross weight in excess of 10,000 pounds; otherwise the pilot shall be required to demonstrate his aeronautical skill in accordance with § 20.147.

By the Civil Aeronautics Board.

[SEAL] DONALD W. NYROP,
Acting Secretary.

[F. R. Doc. 41-1383; Filed, February 26, 1941; 11:08 a. m.]

[Amendment 102, Civil Air Regulations]

REVISING THE REGULATIONS GOVERNING INSTRUMENT FLIGHT

PART 40—AIR CARRIER OPERATING CERTIFICATION (INTERSTATE)

At a session of the Civil Aeronautics Board of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 25th day of February 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a), and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 25, 1941, Parts 40, 60, and 61 of the Civil Air Regulations, as amended, are amended as follows:

1. By amending § 40.220 to read as follows:

§ 40.220 *Airway.* (a) Applicant shall meet the requirements of § 40.200 for day operation, or of § 40.210 for night operation. In addition, for either day or night operation, applicant shall show that the proposed route is equipped with radio ranges (or equivalent facilities) adequate for safe air carrier operation, projecting courses over the proposed route. The applicant may show, in lieu of courses projected over the proposed route by such radio ranges or equivalent facilities, (1) That instrument navigation may be safely conducted over the proposed route by the use of radio direction finding equipment installed in the aircraft, and (2) that a practical alternate route, equipped with radio range stations (or equivalent facilities) projecting courses over such alternate route, exists between the terminals of the proposed route.

(b) Applicant shall also show such other radio navigational aids (including radio markers) as are necessary for safe air carrier operation.

2. By amending § 40.310 to read as follows:

§ 40.310 *Airway.* Applicant shall meet the requirements of § 40.200 and shall show that the proposed route is equipped with such obstruction lights as are necessary for safe air carrier operation at night. In addition, applicant shall show that the proposed route is equipped with such airway beacon lights and radio ranges (or equivalent facilities) as are necessary for safe air carrier operation.

3. § 40.320 is amended to read as follows:

§ 40.320 *Airway.* Same as § 40.220.

PART 60—AIR TRAFFIC RULES

4. By amending § 60.342 to read as follows:

§ 60.342 *Right side traffic.* Aircraft operating along a civil airway shall keep to the right of the radio range course projected along the airway, or if no radio range course is projected along the airway, shall keep to the right of the center line of the airway except:

(a) When impracticable for reasons of safety;

(b) When otherwise instructed or authorized by an airway traffic control center of the Administrator;

(c) In the case of inbound aircraft operating on instruments and using the on course signal of the radio range;

(d) When landing or taking off.

5. By amending § 60.572, not including §§ 60.5720 (a), 60.5721 (b), and 60.5722 (c), to read as follows:

§ 60.572 *Communications failure.* In the event of the electrical or the mechanical failure of aircraft two-way communication equipment or in the event that the pilot does not receive radio signals sufficient to permit him to maintain instrument navigation, one of the following procedures shall be observed.

PART 61—SCHEDULED AIR CARRIER RULES (INTERSTATE)

6. By amending § 61.7720, not including §§ 61.77200 (a), 61.77201 (b), and 61.77202 (c), to read as follows:

§ 61.7720 *Communications failure.* In the event of inability to maintain two-way communication with the appropriate communications station or in the event that the pilot does not receive radio signals sufficient to permit him to maintain instrument flight to any point cleared to or otherwise specified in the approved flight plan, one of the following procedures shall be observed:

By the Civil Aeronautics Board.

[SEAL] DONALD W. NYROP,
Acting Secretary.

[F. R. Doc. 41-1384; Filed, February 26, 1941; 11:08 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3021]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ALLEN B. WRISLEY COMPANY ET AL.

§ 3.66 (a7) *Misbranding or mislabeling—Composition:* § 3.69 (b) (1) *Misrepresenting oneself and goods—Goods—Composition:* § 3.96 (a) (1) *Using misleading name—Goods—Composition.* In connection with offer, etc., in interstate commerce or in the District of Columbia, of soap, (1) representing in any manner that a soap which does not contain olive oil to the exclusion of all other oils is an olive oil soap; or (2) using the brand names or labels "Olivilo", "Royal Olive Oil Pure", "Purito Olive Oil Castile", "Olive-Skin Pure Toilet Soap", or "Del Gloria Castile Made With Pure Olive Oil", or other brand names or labels of similar import or meaning containing the word "Olive" or the letters "oliv" or any equivalent term, to describe, designate or in any way refer to soap the oil content of which is not wholly olive oil; prohibited; subject to the provision that nothing contained herein shall prevent the respondents from using brand names containing the word "olive", or any derivative thereof or other word or words of similar import or meaning, to describe or designate a soap containing olive oil combined with other oil or oils, if respondents shall, clearly, conspicuously and truthfully designate that such soap is not made wholly of olive oil, and if olive oil is present in said soap in an amount sufficient substantially to effect its detergent or other qualities, and subject to further provision that the prohibitions of this order shall not apply

to the trade names or labels "Palm and Olive Oil Soap", "Palm and Olive Soap" and "Oliv-Palm Complexion Soap." (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 114; 15 U.S.C., Supp. IV, sec. 45i) [Modified cease and desist order, Allen B. Wrisley Company et al., Docket 3021, February 10, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of February, A. D. 1941.

This proceeding coming on for further hearing before the Federal Trade Commission and it appearing that on April 6, 1939, the Commission made its findings as to the facts herein and concluded therefrom that the respondents had violated the provisions of section 5 of the Federal Trade Commission Act and issued and subsequently served its order to cease and desist;[1] and it further appearing that on June 12, 1940 the United States Circuit Court of Appeals for the Seventh Circuit rendered its decision setting aside the Commission's order to cease and desist with permission to the Commission to present an order consistent with such decision, and that on July 18, 1940, the aforesaid Circuit Court of Appeals issued its decree modifying the aforesaid order of the Commission and directed the Commission to modify its aforesaid order to cease and desist in accordance with said decree;

Now, therefore, pursuant to the provisions of subsection (i) of Section 5 of the Federal Trade Commission Act, the Commission issues this its modified order to cease and desist in conformity with the said Court decree:

It is ordered, That the respondents, Allen B. Wrisley Company and Allen B. Wrisley Distributing Company, also trading under the name Regal Soap Company, their officers, representatives, agents and employees, directly or through any corporate or other device, and Karl Mayer, George A. Wrisley and Wrisley B. Oleson, copartners trading as Karl Mayer & Company, or trading under any other name, their agents, representatives and employees, in connection with the offering for sale, sale and distribution of soap in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

1. Representing in any manner that a soap which does not contain olive oil to the exclusion of all other oils is an olive oil soap;

2. Using the brand names or labels "Olivilo," "Royal Olive Oil Pure," "Purito Olive Oil Castile," "Olive-Skin Pure Toilet Soap," or "Del Gloria Castile Made With Pure Olive Oil," or other brand names or labels of similar import or meaning containing the word "Olive" or the letters "oliv" or any equivalent term, to describe, designate or in any way refer to soap the oil content of which is not wholly olive oil. Nothing contained herein shall prevent the respondents from using brand names containing the word "olive," or any derivative thereof or other word or words of similar import or meaning, to describe or designate a soap containing olive oil combined with other oil or oils, if respondent shall, clearly, conspicuously, and truthfully designate that such soap is not made wholly of olive oil, and if olive oil is present in said soap in an amount sufficient substantially to effect its detergent or other qualities. The prohibition of this order shall not apply to the trade names or labels "Palm and Olive Oil Soap," "Palm and Olive Soap," and "Oliv-Palm Complexion Soap."

It is further ordered, that the respondents shall, within thirty (30) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-1409; Filed, February 26, 1941; 11:42 a. m.]

[1] 4 F.R. 1628.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Order No. 317]

PART 309—REPORTS; CODE MEMBERS

DIRECTING CODE MEMBERS IN DISTRICT NO. 17 TO FILE MONTHLY REPORTS AS TO THE SALES OF ALL COAL SHIPPED BY TRUCK OR WAGON

The Director being of the opinion that in order to carry out the provisions of the Bituminous Coal Act of 1937, it is necessary that certain information relating to the sales of coal shipped by truck or wagon from District No. 17 be reported to the Division, therefore,

Pursuant to the provisions of § 309.54 (c),

It is ordered, That:

Each code member in District No. 17 for each mine operated by him shall file, for each month beginning with the month of March 1941, a report of all sales of coal sold and shipped from each such mine by truck or wagon. This monthly report shall be filed within five days after the end of the month at the office of the Statistical Bureau of the Division for District No. 17 and may be made by filing:

Either (a), A copy of the truck ticket, sales slip or invoice for each such sale, giving all the information required by § 309.54 (b), or

(b), A listing of each of such sales, giving all the information required by § 309.54 (b). (This listing may be made on Form BCD No. 468, copies of which are available at the Statistical Bureaus of the Division.)

Dated: February 24, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-1407; Filed, February 26, 1941; 11:41 a. m.]

[Docket No. A-365]

PART 322—MINIMUM PRICE SCHEDULE, DITRICT NO. 2

GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITIONS OF THE PITTSBURGH COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 2, FOR: CHANGES IN MINIMUM PRICES ESTABLISHED FOR THE COALS OF ITS CHAMPION #1, MONTOUR #10, MONTOUR #9, MIDLAND, LINDLEY AND SOLAR MINES WHEN SHIPPED FOR RAILROAD FUEL USE

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Bituminous Coal Division on November 15, 1940, by the Pittsburgh Coal Company, a code member producer in District 2, seeking a revision of the effective minimum price for its mixture composed of 65% of plus 1⅛" egg coal and 35% of 1⅛" x 0 slack coals, shipped from the Champion #1 (Mine Index No. 28), Montour #10, known also as Champion #3 (Mine Index No. 29), Montour #9 (Mine Index No. 152), Midland (Mine Index No. 148), Lindley (Mine Index No. 128), and Solar (Mine Index No. 211) mines of the original petitioner, to the Pennsylvania, New York Central, and Erie Railroads for railroad fuel use; and

A hearing having been held before an Examiner of the Division at a Hearing Room of the Division, Washington Hotel, Washington, D. C., on December 11, 1940; and

The parties to this proceeding having waived the preparation and filing of a Report by the Examiner, and the matter thereupon having been submitted to the Director; and

The Director having made Findings of Fact and Conclusions of Law in this matter, dated February 24, 1941, which are filed herewith: [1]

It is ordered, That the prayers for relief in said original petition are hereby granted to the following extent:

From and after the date hereof § 322.1 (b) *Price exceptions* shall be amended by adding thereto the following price exception:

The mixture composed of 65% of 1⅛" x 4", 1⅛" x 6", or 1⅛" x 8"; and 35% of 1⅛" x 0 coals produced by the Pittsburgh Coal Company at Champion No. 1, Montour No. 10 (known also as Champion No. 3), Montour No. 9, Midland, Lindley and Solar Mines, (Mine Index Nos. 28, 29, 152, 148, 128 and 211, respectively) when for shipment to the Pennsylvania Railroad, New York Cen-

[1] Not filed as part of the original document.

tral Railroad, or the Erie Railroad for railroad fuel use, shall be included in Size Group 6 and shall accordingly take the applicable minimum f. o. b. mine price for that size group.

It is further ordered, That any and all affirmative relief prayed for by any intervener in this proceeding be and the same is hereby denied.

Dated: February 24, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-1408; Filed, February 26, 1941; 11:42 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 3—ADJUDICATION: DISALLOWANCE AND AWARD

APPORTIONMENTS

§ 3.1310 *Apportionments authorized.* Disability pension, disability compensation, emergency officers retirement pay, and on and after October 17, 1940 service pension and pension for service prior to April 21, 1898, amounting to more than $20.00 monthly, will be apportioned according to the table provided in § 3.1311, except where otherwise authorized or provided herein—

* * * * *

(February 24, 1941) [Public, No. 866, 76th Congress]

§ 3.1311 *Table of apportionments.*

* * * * *

(b) When the wife is living separate and apart from the disabled person, and the child or children are living with her and the wife is entitled to an apportioned share of disability pension, disability compensation, service pension or emergency officers retirement pay, both on account of herself and the child or children, the benefit as provided in paragraph (a) above will be paid to the wife in one monthly amount on account of herself and such child or children in her custody. (February 24, 1941) [Public, No. 866, 76th Congress]

§ 3.1312 *Apportionment not authorized.* No apportionment will be authorized:

* * * * *

(g) Of any amount in excess of the rate for total disability or of the additional amount authorized by the last paragraph of section 202 (3), or section 202 (5), World War Veterans Act, 1924, as amended, or the additional amount payable under § 35.011, paragraph II (k), or § 35.012, paragraph II (k). Where pension is being paid under Public, No. 323, 71st Congress (Act of June 9, 1930), no amount in excess of $75.00 monthly will be subject to apportionment and where pension is being paid under Public, No. 541, 75th Congress, no amount in excess of $60.00 monthly will be subject to apportionment. (February 24, 1941) [Public, No. 866, 76th Congress]

§ 3.1314 *Action to be taken where payments have not been made under apportionments.* In apportioning disability pension, service pension disability compensation, or emergency officers retirement pay, the provisions of §§ 3.1310 to 3.1317, will be applicable to all cases coming within the purview thereof where apportionments or division of pensions have been made but in which payments have not been made to the dependents for all periods affected. In the case of a division of pension, the Act of March 3, 1899 will be applicable for all periods prior to October 17, 1940. (February 24, 1941) [Public, No. 866, 76th Congress]

§ 3.1315 *Where apportionment will be determined by the assistant administrator in charge of pensions.* Where it is clearly shown by competent evidence that the application of the provisions of §§ 3.1276, 3.1310, and 3.1311, or the fact that no apportionment is authorized under § 3.1312, will result in undue hardship upon the disabled person or any one of his dependents and relief can be afforded without undue hardship to the other persons in interest, the complete case file will be forwarded by the adjudication officer, or the chief, claims division, with appropriate recommendation as to the exact manner of the proposed relief, through the director, veterans claims service, to the assistant administrator in charge of pensions, who will determine without regard to the provisions of §§ 2.1176, 3.1310, 3.1311, and 3.1312, the disability pension, service pension, disability compensation or emergency officers retirement pay which will be apportioned and the exact amount to be apportioned to each individual in interest. (February 24, 1941) [Public, No. 866, 76th Congress]

§ 3.1317 *Discontinuance of apportionments: Effective dates.* Where disability pension, disability compensation, service pension or emergency officers retirement pay is apportioned between the veteran and his dependents and payments have been or are being made to the dependents subsequent to the date of cessation of the condition on which it is predicated, the effective date of discontinuance of the apportioned benefit to the dependent shall be the date of last payment and the award to the veteran will be adjusted accordingly; except that in the event of death, the date of death; divorce, the date preceding the date of divorce; in the case of a child, the date preceding the sixteenth, eighteenth, or twenty-first birthday, or cessation of school attendance, or the date preceding the date of marriage, will be the effective date. (February 24, 1941) [Public, No. 866, 76th Congress]

§ 3.1304 canceled February 11, 1941. See § 3.1300.

PART 4—ADJUDICATION: VETERANS' CLAIMS, CENTRAL OFFICE SECTION

§ 4.2220 canceled February 24, 1941. See § 3.1315.

§§ 4.2226 to 4.2244 inclusive canceled February 24, 1941. See §§ 3.1310 to 3.1317.

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 41-1372; Filed, February 25, 1941; 3:17 p. m.]

PART 10—INSURANCE

INSURANCE CLAIMS COUNCIL

§ 10.3201 *Duties of the insurance claims council.*

* * * * *

(e) The insurance claims council is authorized to determine the acceptability of applicants insofar as their mental and physical conditions are concerned, for insurance under sections 310 and 311 or either, of the World War Veterans Act, 1924, as amended and section 602, National Service Life Insurance Act of 1940, and of all applicants for reinstatement of lapsed insurance, and under all circumstances to make such determination as may be necessary for insurance purposes. The insurance claims council is also authorized to select and designate qualified physicians in such localities in the United States as may be necessary for the purpose of examining such applicants. (October 8, 1940) [Pub., No. 801, 76th Congress]

* * * * *

(i) Subject to the provisions of §§ 10.3400 to 10.3469 the insurance claims council is vested with jurisdiction to determine the existence of total disability in connection with waiver of premiums under section 602 (n), National Service Life Insurance Act of 1940, and is authorized to require the reexamination of persons who have been granted waiver of premiums whenever such reexamination is considered necessary by the insurance claims council. (October 8, 1940) [Pub., No. 801, 76th Congress]

§ 10.3204 *Appeal from decision by insurance claims council.* Where the insurance claims council finds that total disability or permanent and total disability does not exist as alleged, such denial shall be final. However, a veteran or his authorized representative shall have the right to file an application for review on appeal to the Administrator of Veterans Affairs within one year from the date of mailing of notice of the decision of the insurance claims council. Any new and material evidence must be submitted within a period of one year or prior to the consideration of the appeal. Such appeal must be in writing and otherwise comply with the regulations governing appeals to the Administrator. An application for review on appeal filed with the activity which entered the denial which is postmarked prior to the expiration of the one year period will be accepted as having been filed within the time limit. (October 8, 1940) [Pub. No. 801, 76th Congress]

§ 10.3205 *Ratings for insurance benefits not applicable for pension or disa-*

bility compensation. Since decisions of the insurance claims council determining the existence or non-existence of total or total permanent disability for insurance purposes and decisions of ratings agencies determining the existence or the non-existence of total, or total permanent disability for pension or compensation purposes are based upon distinctly dissimilar standards, it follows that the former cannot be determinative for pension or compensation purposes and the latter cannot be determinative for insurance purposes. (October 8, 1940) [Pub. No. 801, 76th Congress]

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 41-1371; Filed, February 25, 1941; 3:17 p. m.]

PART 10—INSURANCE

NATIONAL SERVICE LIFE INSURANCE

§ 10.3400 *Applications.* Persons in the active service in the land or naval forces (including the Coast Guard) of the United States, on October 8, 1940, and persons entering such service after that date (including those selected for training and service in the land or naval forces of the United States under the Selective Training and Service Act of 1940) under orders to active duty for a period of not less than thirty-one days, upon written application and payment of premiums while in such active service, shall be granted National Service Life Insurance on the five-year level premium term plan for not more than $10,000 or less than $1,000 in multiples of $500, in accordance with paragraphs (a), (b), (c), and (d) of this section. Such insurance must become effective while the applicant is in active service and in accordance with the provisions of § 10.3402. No person may carry at any one time a combined amount of National Service Life Insurance and United States Government Life Insurance in excess of $10,000. Application for National Service Life Insurance should be made on forms prescribed by the Administrator, but any statement in writing which in substance meets the requirements of this regulation, together with a remittance sufficient to cover the first monthly premium shall be considered as an application.

(a) Every person entering active service in the land or naval forces after October 8, 1940 shall be granted such insurance without medical examination, effective while the applicant is in the active service, provided application therefor is made while the applicant is in active service and within 120 days after entrance into such service. Entrance into active service shall include a reentrance, but the provisions of section 602 (a) of the act shall not apply where the reentrance is a continuation of previous active service without interruption.

(b) Any person who is released from active service within 120 days after enrollment shall be granted such insurance upon application made within 120 days after a subsequent enrollment or entrance into active service and before discharge or resignation therefrom. The applicant shall be required to furnish evidence satisfactory to the Administrator showing that he is in good health at the time of the application.

(c) Any person upon reenlistment or reentrance into or reemployment in active service, including any person who is discharged from active service to accept a commission, shall be granted insurance effective while in active service, provided application therefor is made while the applicant is in active service and within 120 days following such reenlistment, reentrance or reemployment, or discharge to accept a commission. The applicant shall be required to furnish evidence satisfactory to the Administrator showing that he is in good health at the time of the application. The provisions of section 602 (c) of the Act shall apply only where the reentrance is a continuation of previous active service without interruption. When there is an interruption in the active service and a return to civilian status, the provisions of section 602 (a) shall apply except as to a person released from active service within 120 days after enrollment.

(d) Any person in the active service on October 8, 1940, shall be granted insurance effective while in active service, provided application therefor is made while the applicant is in active service and within 120 days after October 8, 1940. The applicant shall be required to furnish evidence satisfactory to the Administrator showing that he is in good health at the time of the application.*

*§§ 10.3400 to 10.3469, inclusive, with the exception noted in the text, issued under the authority contained in Pub. No. 801, 76th Cong., Oct. 8, 1940.

§ 10.3401 *Definition of good health.* The words "good health" when used in connection with insurance, mean that the applicant is, from clinical or other evidence, free from disease, injury, abnormality, infirmity, or residual of disease or injury to a degree that would tend to weaken or impair the normal functions of the mind or body or to shorten life.*

§ 10.3402 *Effective date.* The effective date of a National Service Life Insurance policy shall not be established prior to October 8, 1940, nor prior to the entrance of the applicant into active service. The effective date of the policy shall not be established later than the first day of the month following the date of application, nor after termination of active service.

Subject to the foregoing limitations the effective date of a National Service Life Insurance policy may be established upon written request by the applicant as follows:

(a) As of the date on which valid application and tender of premium are made.

(b) As of first day of month in which valid application and tender of premium are made.

(c) As of first day of month following that in which valid application and tender of premium are made.

(d) As of first day of any month prior to the month in which valid application and tender of premium are made, provided that there be paid (1) an amount equal to the full reserve on the insurance at the end of the month prior to the month in which the application is made, and (2) the full premium on the amount of insurance for the month in which application is made.

Unless otherwise specified by the applicant, the effective date of National Service Life Insurance shall be established as of the date on which valid application and tender of premium are made; but if the first premium is to be paid by allotment of pay, as in the Navy, Marine Corps, and Coast Guard, or by deduction from pay as in the Army, the effective date of the insurance will be the first day of the month following the month in which application for insurance and allotment or authorization for deduction of premiums are executed: Provided, the amount of premium is deducted from the applicant's service pay in accordance with the allotment or authorization.*

Premiums

§ 10.3403 *Premium rates.* National Service Life Insurance is granted at the premium rate for the age nearest birthday anniversary of the applicant at the time the policy becomes effective in accordance with the premium rates published in Veterans Administration Form 398 entitled "Information and Premium Rates, National Service Life Insurance."*

§ 10.3404 *Premiums on National Service Life Insurance.* National Service Life Insurance is granted in consideration of and subject to the terms and conditions set forth in the policy and in further consideration of the payment of the monthly premium due and payable on the day the policy takes effect and on the same day of each succeeding month during the lifetime of the insured or for the period for which premiums are due and payable as provided by the terms and conditions of the policy contract.*

§ 10.3405 *Due date of premiums.* Premiums on National Service Life Insurance are due and payable monthly in advance in legal tender of the United States of America to the Treasurer of the United States in the City of Washington, District of Columbia. Premiums may be paid annually, semiannually, or quarterly in advance, in which case the premium payable will be the sum of the monthly premiums for the period discounted at 3 per centum per annum. The discounted premiums for these periods are stated on the first page of the policy. At maturity the discounted value at 3 per centum per annum of the premiums paid in advance beyond the current month shall be refunded to the beneficiary. If any pre-

mium be not paid when due, the policy shall cease and become void except as otherwise provided.*

§ 10.3406 *Payment of premiums, insured in the active military, naval, or coast guard service.* Premiums on National Service Life Insurance may be paid by persons in the active military or naval service under the War Department, Navy Department, or Coast Guard Service (a) by direct remittance to the Veterans Administration, or (b) by allotment of pay as in the Navy, Marine Corps, and Coast Guard, or (c) by deduction from pay as in the Army: *Provided,* That such allotment of pay or authorization for deduction from pay is executed effective within the month preceding the month in which the said premium is due and payable, and the amount of the premium is deducted from the insured's service pay in accordance with the allotment or authorization.*

§ 10.3407 *Payment of insurance premiums by mail.* When it appears by proof satisfactory to the Administrator of Veterans Affairs that the person to whom insurance has been granted under the National Service Life Insurance Act of 1940, or any person authorized to act on his behalf, has deposited in the mail within the grace period allowed by regulation for payment of a premium an envelope, properly addressed to the Veterans Administration, Washington, D. C., or to a regional office or facility of the Veterans Administration, containing money, check, draft or money order, in payment of a premium, such insurance will not lapse for nonpayment of such premium within the grace period: *Provided,* That such envelope is delivered to the Veterans Administration without return to the sender; and *provided further,* That if tender is by check or draft, such draft is honored on presentation for payment.*

§ 10.3408 *Deduction of insurance premiums from disability compensation, emergency officers' retirement pay, or pension.* The insured under a National Service Life Insurance policy may authorize the monthly deduction of premiums from disability compensation, emergency officers' retirement pay, or pension that may be due and payable to him under any laws administered by the Veterans Administration in accordance with the following provisions:

(a) The authorization must be in writing over the signature of the insured, and whenever practicable on such forms as may be prescribed by the Veterans Administration.

(b) The monthly disability compensation, retirement pay, or pension so due and payable must be equal to, or in excess of, the amount of the insurance premium figured on a monthly basis.

(c) The authorization will be effective on the first day of the month next following the month in which it is received by the Veterans Administration, unless the insured elects to have the authorization become effective on the first day of a succeeding month.

(d) The authorization may be canceled by the insured at any time by notice in writing to the Veterans Administration. Such cancelation will be effective on the first day of the month following the month in which it is received by the Veterans Administration.

(e) If the benefits payable to the insured are apportioned under the regulations of the Veterans Administration now in effect or hereafter issued, the deduction authorized by the insured shall be from that portion awarded to the insured under such regulations.*

§ 10.3409 *Effective date of authorization for deduction of insurance premiums from disability compensation, emergency officers retirement pay, or pension.* When premium deductions are authorized by the insured under National Service Life Insurance, in accordance with the provisions of Veterans Administration regulations, the Veterans Administration will make monthly deductions from the disability compensation, emergency officers retirement pay, or pension, due and payable to the insured, of an amount sufficient to pay the monthly premium on the insurance. Such deductions shall begin with the month in which the authorization is effective and continue so long as the disability compensation, emergency officers retirement pay, or pension due and payable to the insured is sufficient to pay the monthly insurance premium, unless the authorization is sooner canceled or otherwise terminated.*

§ 10.3410 *Premiums to be deducted from disability compensation, emergency officers retirement pay, or pension, treated as paid, for purpose of preventing lapse.* When premium deductions are authorized by the insured under National Service Life Insurance, in accordance with the provisions of Veterans Administration regulations, the insurance premium will be treated as paid for the purpose only of preventing lapse of the insurance, although such deduction is not in fact made, if upon the due date of the premium there is due and payable to the insured an amount of disability compensation, emergency officers retirement pay, or pension sufficient to provide the payment. Any premium authorized to be deducted from disability compensation, emergency officers retirement pay, or pension due and payable to the insured and not actually paid shall be deducted from any amount of current disability compensation, emergency officers retirement pay, or pension that may become due and payable to the insured. The amounts so deducted for premiums shall be deposited and covered into the treasury to the credit of the National Service Life Insurance fund.*

§ 10.3411 *Termination of the authorization to deduct insurance premiums from disability compensation, emergency officers retirement pay, or pension.* Deduction of insurance premiums on National Service Life Insurance shall cease and the authorization shall terminate if the disability compensation, emergency officers retirement pay, or pension becomes insufficient to provide the premium, or if disability compensation, emergency officers retirement pay, or pension is no longer due and payable to the insured. The insurance shall lapse after the termination or cancelation of the authorization to deduct premiums from disability compensation, emergency officers retirement pay, or pension unless the premium be otherwise paid within the grace period. The insured will be notified, by letter directed to his last address of record, of the termination of the authorization to deduct premiums; but the failure to give such notice or the failure to receive such notice, shall not prevent lapse of the insurance.*

Grace Period

§ 10.3414 *Establishment of grace period.* For the payment of any premium under a National Service Life Insurance policy, a grace period of thirty-one days without interest will be allowed, during which time the policy will remain in force; but if the policy shall mature within the grace period, the unpaid premium or premiums shall be deducted from the amount of insurance payable.*

§ 10.3415 *Computation of grace period.* For the purpose of determining whether a premium tendered on National Service Life Insurance shall be accepted and a regular receipt issued therefor, the grace period for the payment of the premium shall be computed so as to include 31 days from and after the date on which the premium was due. But if the last day of the grace period falls on Sunday or a legal holiday the premium will be accepted if tendered on the next following business day. The postmark date will govern the date on which the premium was tendered. The monthly premium when paid within the grace period shall be deemed to carry such insurance in force for the month for which the premium was due. If a premium is not paid prior to the expiration of the grace period, the effective date of the lapse shall be the due date of the premium in default.*

Lapse

§ 10.3416 *Lapse for nonpayment of premium.* If any premium be not paid when due, the National Service Life Insurance policy shall cease and become void, except as otherwise provided in the policy.*

§ 10.3417 *Nonlapse while insured is in active military or naval service.* National Service Life Insurance will not lapse while the insured is in the active service in the land and naval forces of the United States, provided premiums for such insurance have been authorized to be deducted from the insured's active service pay as in the Army, or where the insured has executed an allotment of

active service pay as in the Navy or Marine Corps or Coast Guard, except as provided in § 10.3418.*

§ 10.3418 *Lapse while insured is in active military or naval service.* National Service Life Insurance will lapse and terminate while the insured is in the active service of the land and naval forces of the United States:

(a) When the insured fails to designate a method of payment at the time of applying, or at any time elects to pay premiums on said insurance otherwise than by deduction or by allotment of pay and such premiums are not paid when due or within the grace period.

(b) When the insured has not sufficient pay accruing before the expiration of the grace period from which such allotment or deduction may be withheld and such premium is not otherwise paid within the grace period.

(c) When the insured shall forward, through military channels, a written request over his own signature for the cancelation of allotment or authorization for deduction of premiums, and premium is not otherwise paid within the grace period.

(d) When the insured shall request over his own signature the cancelation of his insurance in whole or in part.

(e) When the insured collects his active service pay with actual or presumptive knowledge that deduction of premiums has not been made, acquiesces in such failure to deduct premiums, and makes no provision for otherwise paying said premiums during the grace period.*

§ 10.3419 *Lapse at termination of allotment, etc.* When the insured under a National Service Life Insurance policy shall provide for payment of premiums by allotment of pay as in the Navy, Marine Corps, or Coast Guard service, or by deduction from pay as in the Army, any of premiums shall be deemed to be revoked. The insurance will lapse at the expiration of an allotment or authorization for deduction, or at time of discharge or resignation, unless the premium is paid prior to the expiration of the grace period.*

Reinstatement

§ 10.3422 *Reinstatement of National Service Life Insurance.* Subject to the provisions of the National Service Life Insurance policy, or any amendment or supplement thereto, any insurance which has lapsed, or may hereafter lapse, and which has not been surrendered for a cash value or for paid-up insurance, may be reinstated upon written application signed by the applicant, and upon payment of all premiums in arrears, with interest from their several due dates at the rate of 5 per centum per annum, provided such applicant is in good health and shall submit such evidence of the condition of his health at the time of application and tender of premiums, as may be satisfactory to the Administrator of Veterans' Affairs: *Provided*, That application for reinstatement of a five year level premium term policy, accompanied by evidence of good health and tender of premiums with interest must be submitted prior to the expiration of the five year term period: *And provided further*, That the payment or reinstatement of any indebtedness against any policy on a plan other than five year level premium term must be made, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall be paid by the applicant as a condition of the reinstatement of the indebtedness and of the policy.*

§ 10.3423 *Evidence of good health.* The applicant for reinstatement of a National Service Life Insurance policy must furnish evidence of good health at time of application satisfactory to the Administrator of Veterans' Affairs upon such forms as the said Administrator shall prescribe or otherwise as he shall require. The applicant's own statements may be accepted as sufficient proof of good health, provided the application containing such statements, and accompanied or preceded by tender of premiums and interest thereon, is submitted within three months after date of lapse, including the month for which the unpaid premium was due, but whenever deemed necessary in any such case by the Administrator of Veterans' Affairs report of physical examination may be required. Applications submitted after the expiration of the said three month period must be accompanied by report of physical examination and accompanied or preceded by tender of premiums. Physical examinations incident to reinstatement of insurance shall be acceptable if made by medical officers of the Veterans' Administration, War Department, Navy Department, United States Public Health Service or by physicians designated by the Administrator of Veterans' Affairs to make such examinations.*

Dividends

§ 10.3426 *Dividends.* A National Service Life Insurance policy shall participate in and receive such dividends from gains and savings as may be determined by the Administrator of Veterans Affairs. Any dividends so apportioned shall be paid in cash, unless the insured shall request that they be left on deposit to accumulate at such rate of interest as the Administrator of Veterans Affairs may determine, and credited annually and payable if not previously withdrawn at the maturity of the policy to the person entitled to its proceeds.*

§ 10.3427 *Cash value, other than 5-year level premium term policy.* Provisions for cash value, paid-up insurance, and extended insurance under National Service Life Insurance on any plan other than the five-year level premium term plan shall become effective at the completion of the first policy year; all values, reserves, and net single premiums being based on the American experience table of mortality, with interest at the rate of 3 per centum per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full, shall be the reserve together with any dividend accumulations. For each month after the first policy year, for which month a premium has been paid, the reserve at the end of the preceding policy year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the policy with all claims thereunder, the United States will pay to the insured the cash value of the policy less any indebtedness.*

§ 10.3428 *Policy loan, other than 5-year level premium term policy.* At any time after the expiration of the first policy year and before default in payment of any subsequent premium, and upon the execution of a loan agreement satisfactory to the Administrator, the United States will lend to the insured on the security of his National Service Life Insurance policy, on any plan other than 5-year level premium term, any amount which will not exceed 94 percent of the cash value, and any indebtedness on the policy shall be deducted from the amount advanced on such loan. The loan shall bear interest at the rate of 5 per centum per annum, payable annually; and at any time before default in the payment of the premium, the loan may be repaid in full or in amounts of $5.00 or any multiple thereof. Failure to pay either the amount of the loan or the interest thereon shall not avoid the policy unless the total indebtedness shall equal or exceed the cash value thereof. When the amount of the indebtedness equals or exceeds the cash value the policy shall cease and become void.*

§ 10.3429 *Provision for extended insurance, other than 5-year level premium term policies.* After the expiration of the first policy year and upon default in the payment of a premium within the grace period, if a National Service Life Insurance policy on any plan other than 5-year level premium term has not been surrendered for cash or for paid-up insurance, the policy shall be extended automatically as term insurance for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. The extended insurance shall not have a loan value, but shall have a cash value.*

§ 10.3430 *Provision for paid-up insurance, other than 5-year level premium term policies.* If a National Service Life Insurance policy on any plan other than 5-year level premium term has not been surrendered for cash, upon written request of the insured and complete surrender of the policy with all claims thereunder, after the expiration of the first policy year and while the policy is in

force under premium paying conditions, the United States will issue paid-up insurance for such amount as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. Such paid-up insurance will be effective as of the expiration of the period for which premiums have been paid and earned; and, any premiums paid in advance for months subsequent to that in which the application for paid-up insurance is made shall be refunded to the insured. The paid-up insurance shall be with right to dividends. The insured may at any time surrender the paid-up policy for its cash value or obtain a loan on such paid-up insurance.*

Change in Plan

§ 10.3433 *Exchange of a five-year level premium term policy as of a current effective date.* National Service Life Insurance on the five-year level premium term plan which has been in force at least one year may be exchanged, effective as of the date any premium becomes due within the five-year term period, for insurance of the same amount on any other plan issued by the Veterans Administration under the National Service Life Insurance Act, 1940, upon payment of the current monthly premium at the attained age of the insured for the plan of insurance selected. The reserve (if any) on the policy will be allowed as a credit on the current monthly premium. Such exchange will be made without medical examination and upon complete surrender of the policy while in force on a premium payment basis.*

§ 10.3434 *Exchange of a five-year level premium term policy as of a date prior to the current month.* National Service Life Insurance on the five-year level premium term plan which has been in force at least one year may be exchanged, effective as of the date any premium has become due within the five-year term period, for insurance of the same amount on any other plan issued by the Veterans Administration under the National Service Life Insurance Act, 1940, upon payment of the difference between the reserve on the new policy and the reserve on the old policy. Such exchange will be made without medical examination and upon complete surrender of the policy while in force on a premium payment basis.*

§ 10.3435 *To a policy at a higher rate of premium as of original effective date.* National Service Life Insurance on any plan other than five-year level premium term may be changed to insurance of the same amount, as of the same date and based on the same age, on any plan of insurance issued by the Veterans Administration under the National Service Life Insurance Act of 1940 at a higher rate of premium, upon payment of the difference between the reserve on the new policy and the reserve on the old policy. Such exchange will be made without medical examination and upon the complete surrender of the policy while in force on a premium payment basis.*

§ 10.3436 *To a policy at a lower rate of premium as of original effective date.* National Service Life Insurance may be exchanged within five years from the effective date for insurance of the same amount, bearing the same date, and based on the same age, to any plan of insurance issued by the Veterans Administration at a lower rate of premium, except to the five-year level premium term plan: *Provided,* The applicant is in good health at the time of application and furnishes evidence thereof satisfactory to the Administrator upon such forms as the Administrator shall prescribe, or otherwise as he shall require. The old policy must be in force under premium paying conditions and must be surrendered with all rights and claims thereunder. The difference between the reserve on the old policy and the reserve on the new policy, less any indebtedness, may be used to cover payment of future premiums or withdrawn in cash at the option of the insured. If the old policy has been in force for less than twelve months, the difference in reserve may be used only for the purpose of paying future premiums on the insurance and such premiums shall not be subject to withdrawal by the insured.*

Premium Waivers and Total Disability

§ 10.3440 *Requirements for waiver of premiums.* Upon application made by the insured while the insurance is in force on a premium paying basis, payment of premiums may be waived during continuous total disability of the insured which commenced subsequent to the effective date of such insurance, and which has existed for six consecutive months or more prior to attainment by the insured of the age of 60 years. The insured shall be required to furnish proof satisfactory to the Administrator showing that he is and has been continuously totally disabled for six months or more.*

§ 10.3441 *Effective date of waiver of premium.* The waiver of premium shall be made effective at any time within a period of not more than six months prior to date of application; but in no event shall the waiver become effective prior to the first day of the seventh month of such continuous disability. Premiums tendered to cover a period during which said waiver is effective shall be refunded.*

§ 10.3442 *Discontinuance of premium waiver.* The Administrator shall require proof of total disability at any time when he may deem the same necessary, and in the event it is found that an insured is no longer totally disabled, the waiver of premiums shall cease as of the date of such finding, and the insurance may be continued by payment of premiums, the due date of the first premium after the waiver has terminated being the next regular monthly due date of the premium under the policy; provided, however, that the insurance shall not lapse within thirty-one days after date of notice to the insured of the termination of the premium waiver, nor prior to the expiration of the grace period allowed for the payment of the first premium thereafter payable, said notice to be sent by registered mail with return receipt requested to the insured's last address of record. The mailing of such letter to the insured's last address of record as herein provided shall constitute sufficient notice to the insured even though he should fail to receive such letter.

If the insured shall fail to furnish evidence satisfactory to the Administrator of the continuance of such total disability, or if he should otherwise fail to cooperate with the Administrator in the matter of reexaminations for the purpose of determining whether total disability has continued the premium waiver shall cease.*

§ 10.3443 *Total disability.* Total disability as referred to herein is any impairment of mind or body which continuously renders it impossible for the insured to follow any substantially gainful occupation.*

Beneficiaries

§ 10.3446 *Beneficiary designations.* The insured shall have the right to designate a beneficiary or beneficiaries, but only within the following classes to be known as the permitted class of designated beneficiaries:

Wife (husband), child (including an adopted child, stepchild, illegitimate child), parent (including person in loco parentis), brother or sister (including those of the half blood) of the insured.

A beneficiary designation shall be made by notice in writing to the Veterans Administration signed by the insured. An original beneficiary designation may be made by last will and testament duly probated, but no change of beneficiary may be made by last will and testament. A stepchild, illegitimate child, and person in loco parentis cannot be paid under the Act unless specifically designated as a beneficiary by the insured. A designation of beneficiary need not be made in the application for insurance, but may be made at a later date.*

§ 10.3447 *Beneficiary changes.* The insured shall have the right at any time, and from time to time, and without the knowledge or consent of the beneficiary to cancel the beneficiary designation, or to change the beneficiary within the class of beneficiaries set forth in § 10.3446. A change of beneficiary to be effective must be made by notice in writing signed by the insured and forwarded to the Veterans Administration by the insured or his agent, and containing sufficient information to identify the insured. Whenever practicable such notices shall be given on blanks prescribed by the Veterans Administration. Upon receipt by the Veterans Administration, a valid designation or change of beneficiary shall be deemed to be effective as of the date of execution: *Provided,* That any payment made before proper notice of designation or change of beneficiary has

been received in the Veterans Administration shall be deemed to have been properly made and to satisfy fully the obligations of the United States under such insurance policy to the extent of such payments.*

§ 10.3448 *Class and order of payment to other than designated beneficiary.* If no beneficiary is designated by the insured, or if the designated beneficiary or beneficiaries should not survive the insured, or should die prior to completion of payment of the installments certain payable under the provisions of the Act and the terms of the policy, the installments of insurance remaining unpaid shall be paid to persons in the permitted class of beneficiaries and in the order named:

(a) Widow (widower) of the insured

(b) Child or children of the insured (including adopted children), in equal shares

(c) Parent or parents of the insured, in equal shares

(d) Brothers and sisters of the insured (including those of the half blood), in equal shares.*

Death Benefits

§ 10.3449 *Limitations on entitlement and payment.* No person shall have a vested right to any installment or installments of the insurance. No installment of insurance shall be paid to the heirs, creditors, or legal representatives as such of the insured or of any beneficiary. Any payment of insurance made to a person represented by the insured to be within the permitted class of beneficiaries shall be deemed to have been properly made and to satisfy fully the obligations of the United States under such insurance policy to the extent of such payments.

When the amount of an individual monthly payment is less than $5.00, such amount may, in the discretion of the Administrator, be allowed to accumulate without interest and be disbursed annually*

§ 10.3450 *Payment to first beneficiary.* Upon due proof of the death of the insured while a National Service Life Insurance policy is in force, the monthly installments, without interest, which have accrued since the death of the insured (the first installment being due on the date of death of the insured) and the monthly installments which thereafter become payable in accordance with the provisions of the policy, shall be paid to the beneficiary or beneficiaries entitled in the following manner:

(a) If the beneficiary to whom payment is first made is under thirty years of age at the time of the death of the insured, payment shall be made in 240 equal monthly installments at the rate of $5.51 for each $1,000 of such insurance.

(b) If the beneficiary to whom payment is first made is thirty or more years of age at the time of the death of the insured, payment shall be made in equal monthly installments for 120 months certain, with such payment continuing throughout the remaining lifetime of such beneficiary. The amount of the monthly installment for each $1,000 of insurance shall be determined by the age of the beneficiary as of last birthday at the time of the death of the insured, in accordance with the following schedule based upon the American Experience Table of Mortality and interest at the rate of three per centum per annum:

Age of beneficiary at date of death of insured	Amount of each monthly installment	Age of beneficiary at date of death of insured	Amount of each monthly installment
30	$3.97	58	$6.49
31	4.01	59	6.65
32	4.06	60	6.81
33	4.10	61	6.98
34	4.15	62	7.15
35	4.20	63	7.32
36	4.26	64	7.50
37	4.31	65	7.67
38	4.37	66	7.84
39	4.43	67	8.02
40	4.50	68	8.19
41	4.57	69	8.35
42	4.64	70	8.51
43	4.72	71	8.66
44	4.80	72	8.80
45	4.89	73	8.94
46	4.98	74	9.06
47	5.08	75	9.18
48	5.18	76	9.28
49	5.28	77	9.37
50	5.39	78	9.44
51	5.51	79	9.50
52	5.63	80	9.55
53	5.76	81	9.58
54	5.90	82	9.60
55	6.03	83	9.61
56	6.18	84	9.61
57	6.33	85	9.61

§ 10.3451 *Payment after death of first beneficiary.* Upon due proof of death of the first beneficiary after payment has been made of at least one installment, thereafter monthly installments in the same amount shall be paid to the person or persons entitled as beneficiary until all of the installments certain shall have been paid.*

Proof of Death, Age, or Relationship

§ 10.3452 *Proof of death.* Where a claim is filed for National Service Life Insurance on account of the death of a person such death may be established as follows:

(a) By a copy of the public record of the State or community where death occurred, certified to by the custodian of such records; or by a duly certified copy of a coroner's report of death or a verdict of a coroner's jury, of the State or community where death occurred, provided such report or verdict properly identified the deceased.

(b) Where death occurs in a hospital or institution under the control of the United States Government, by a death certificate signed by the medical officer in charge, or by furnishing the evidence required under paragraph (a) hereof.

(c) Where death occurs while deceased was on the retired list, in an inactive duty status, or in the active service in the regular establishment of the United States Army, United States Navy, United States Marine Corps, or United States Coast Guard, by an official report of death from the War, Navy, or Treasury Departments, or by furnishing the evidence required under paragraph (a) hereof.

(d) When death occurs in a foreign country, by a United States consular report of death, bearing the signature and official seal of the United States consul, or by a certified copy of the public record of death authenticated by the United States consul, or other agency of the State Department.

(e) If the evidence called for in (a), (b), (c), or (d) hereof cannot be obtained, the reason must be shown. If such reason is satisfactory, the fact of death may be established by the affidavits of persons who have personal knowledge thereof and have viewed the body of the deceased and know it to be the body of the person whose death is being established, setting forth their source of knowledge and all the facts and circumstances concerning the death, including the place, date, time, and cause thereof.

(f) In cases wherein proof of death, as defined in paragraphs (a) to (e), inclusive, of this section, cannot be furnished, officials specifically authorized to do so by the Adminstrator of Veterans Affairs, may make a finding of fact of death where death is otherwise shown by competent evidence. The best evidence, which from the nature of the case must be supposed to exist, must be furnished in these cases.*

§ 10.3453 *Presumption of death.* If evidence satisfactory to the Administrator is produced establishing the fact of the continued and unexplained absence of any individual from his home and family for a period of seven years, during which period no evidence of his existence has been received, the death of such individual as of the date of the expiration of such period may, for the purpose of the act, be considered as sufficiently proved: Provided, no State law providing for presumption of death shall be applicable to claims for National Service Life Insurance.*

§ 10.3454 *Age; evidence to establish date of birth, age or relationship.* The date of birth, age or relationship for the purposes of National Service Life Insurance, shall be established by the best evidence obtainable, in the following order of preference:

(a) A certified copy of the public record of birth; or

(b) A certified copy of the church record of baptism, the certification to be made by the legal custodian of such records. If the name of the person appearing on the copy of the record is not the same as that apearing upon the records of the Veterans' Administration, an affidavit will be required identifying the person having the changed name as the same person whose name appears in

the record of birth. If the birth was not recorded within a reasonable period after the event, the Veterans' Administration may require such additional evidence as may be considered necessary to establish the facts of the birth.

(c) If neither of the records mentioned is obtainable, the reason therefor should be furnished, and

(d) Affidavit of the physician or midwife in attendance at birth; or

(e) Affidavit of two or more persons, preferably disinterested, who shall state their ages, showing the name, date and place of birth of the person whose birth or age is being established, and that to their own knowledge such person is the child of such parents (naming the parents).

(f) If none of the evidence set forth above can be obtained and the failure to secure this evidence is satisfactorily explained, consideration will be given to the best evidence otherwise obtainable; e. g., if there is a Bible or other family record of birth, a copy of such record should be furnished, certified to by a notary public or other officer with authority to administer oaths for general purposes, who should state in what year the Bible or other book in which the record appears was printed, whether the record bears any erasures or other marks of alteration, and whether from the appearance of the writing he believes the entries to have been made recently or at the time reputed.

(g) Age and relationship may be shown by census records—When a claimant satisfactorily explains his failure to secure other evidence, he should be requested to submit his written consent for the Census Bureau to furnish information from their records, and the name of the City, Town, or Township, County and State in which he resided during a census year prior to his enlistment, and if in a city, the name of the street on which he lived and the number of the residence, number of the ward in which the residence was located; also the names in full of parents and the names of brothers and sisters who were living at home, or if not then living with his parents, the names of the persons with whom he lived during that year.*

Collection of Any Indebtedness

§ 10.3455 Any indebtedness against a National Service Life Insurance policy which has not been paid off in cash prior to maturity shall be liquidated by reducing the amount of each monthly installment in the proportion which the indebtedness bears to the commuted value of monthly installments as may then be payable under the policy, excluding dividend accumulations.*

Misstatement of Age

§ 10.3456 If the age of the insured under a National Service Life Insurance policy has been understated, the amount of the insurance payable under the policy shall be such exact amount as the premium paid would have purchased at the correct age; if overstated, the excess of premiums paid shall be refunded without interest. Guaranteed surrender and loan values will be modified accordingly. The age of the insured will be admitted by the Veterans' Administration at any time upon satisfactory proof.*

Assignments

§ 10.3459 The proceeds of a National Service Life Insurance policy shall not be assignable.*

Taxation and Exemption

§ 10.3460 (a) Payments of National Service Life Insurance as such are exempt from taxation, but such exemption does not extend to any property purchased in part or wholly out of such payments. Payments of insurance to a beneficiary under the provisions of the Act are exempt from claims of creditors, and are not liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. (October 8, 1940) [Pub. No. 801, 76th Cong.]

(b) The exemption shall apply against the United States or any agency thereof: *Provided,* The United States shall be entitled to collect by set-off or otherwise out of benefits payable to any beneficiary under a National Service Life Insurance policy, the amount of any indebtedness due the United States by such beneficiary because of overpayments or illegal payments made to such beneficiary under laws administered by the Veterans Administration: *Provided further,* In the settlement of any claim arising out of the National Service Life Insurance Act of 1940, the United States shall be entitled to deduct the amount of unpaid premiums, or loans or interest on such premiums or loans; or indebtedness arising from overpayments of dividends, refunds, loans; or other insurance benefits, or any other indebtedness existing under the particular insurance contract. (Section 5, Public No. 866, 76th Congress) (October 17, 1940)

Insurance Forfeiture

§ 10.3461 Any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the land or naval forces of the United States or refuses to wear the uniform of such force, shall forfeit all rights to insurance. No insurance shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States; but, the cash surrender value, if any, of such insurance on the date of death of the insured shall be paid to the designated beneficiary, if living, or otherwise to the beneficiary or beneficiaries within the permitted class in the order specified in section 602 (h) (3) of the Act: *Provided,* That such cash surrender value shall not be paid in cases in which all rights to insurance have been forfeited pursuant to the provisions of the first sentence of this paragraph.*

Examinations

§ 10.3464 *Examination of applicants for insurance or reinstatement.* Where physical or mental examination is required of an applicant for National Service Life Insurance, or of an applicant for reinstatement of National Service Life Insurance such examination may be made by a medical officer of the United States Army, Navy, or Public Health Service, or may be made free of charge to him by a full-time or part-time salaried physician at a regional office or facility of the Veterans Administration. Such examination may also be made, at the applicant's own expense, by a physician designated by the Veterans Administration if preferred by the applicant. The Administrator of Veterans Affairs may require such further medical examination or additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the applicant at the time of the application.*

§ 10.3465 *Examination in connection with premium waiver.* Physical examination in connection with premium waiver may be made by a medical officer of the United States Army, Navy, or Public Health Service, or may be made at Government expense by a full-time or part-time salaried physician at a regional office or facility of the Veterans Administration. If an insured is unable to travel, because of physical or mental condition, the manager of a regional office or facility may, on his own initiative or at the request of central office, authorize at Government expense examination at the residence of the insured. The Administrator of Veterans Affairs may require such further medical examination or such additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the insured.*

§ 10.3466 *Expenses incident to examinations for insurance purposes.* Necessary transportation expenses incident to physical or mental examinations for insurance purposes at regional offices or facilities shall be furnished when the insured is ordered to report for examination at the specific request of the director of insurance or the manager of a regional office or facility: *Provided,* Such expenses will be borne by the United States and will be paid from the appropriation, "Salaries and Expenses, Veterans Administration". Transportation, meal and lodging requests in connection with reporting to and returning from the place of examination will be furnished the applicant in accordance with § 25.6103 (b) (3) provided prior authority has been given for the travel. Travel incident to such an examination by salaried employees of the Veterans Administration will be in accordance with the Standardized Government Travel Regulations. If such an examination is made by a medical examiner on a fee basis,

the fee will be based on the Schedule of Fees for Medical Services, Veterans Administration, in force at the time the examination is made.*

Definition of "Disease or Injury Traceable to the Extra Hazard of the Military or Naval Services"

§ 10.3469 A disease or injury may be found to be traceable to the extra hazard of the military or naval service when it appears from the evidence that the said disease or injury was in fact caused by or is traceable to, the performance of duty in the land or naval forces (including the Coast Guard) of the United States.*

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 41-1373; Filed, February 25, 1941; 3:17 p. m.]

Notices

TREASURY DEPARTMENT.

Bureau of the Public Debt.

[1941 Department Circular No. 648]

REDEMPTION OF 3⅜ PERCENT TREASURY BONDS OF 1941–43

FEBRUARY 25, 1941.

I. NOTICE OF CALL FOR REDEMPTION BEFORE MATURITY

On November 14, 1940, the following public notice of call for redemption was given:

To Holders of 3⅜ percent Treasury Bonds of 1941–43, and Others Concerned:

1. Public notice is hereby given that all outstanding 3⅜ percent Treasury Bonds of 1941–43, dated March 16, 1931, are hereby called for redemption on March 15, 1941, on which date interest on such bonds will cease.

2. Full information regarding the presentation and surrender of the bonds for redemption under this call will be given in a Treasury Department circular to be issued later.

3. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given.

TREASURY DEPARTMENT,
Washington, November 14, 1940.

HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

II. OPTIONAL EXCHANGE OFFERING

1. Holders of 3⅜ percent Treasury Bonds of 1941–43 are today offered the privilege of exchanging all or any part of their called bonds for 2 percent Treasury Bonds of 1948–50 or for ¾ percent Treasury Notes of Series D-1943, both bonds and notes being dated and bearing interest from March 15, 1941. Full information concerning the exchange offering is contained in Treasury Department Circular No. 649 and in Treasury Department Circular No. 650, both circulars dated February 25, 1941. As the exchange privilege may be terminated at any time without notice, holders of 3⅜ percent Treasury Bonds of 1941–43 who desire to take advantage of the offering should act immediately, following the instructions given in Treasury Department Circular No. 649 and No. 650.

III. RULES AND REGULATIONS GOVERNING REDEMPTION OF 3⅜ PERCENT TREASURY BONDS OF 1941–43

Pursuant to the call for redemption, as set forth in section I of this circular, the following rules and regulations are hereby prescribed to govern the presentation and surrender for cash redemption on March 15, 1941, of 3⅜ percent Treasury Bonds of 1941–43:

1. *Payment of called bonds on March 15, 1941.* Holders of any outstanding Treasury Bonds of 1941–43 will be entitled to have such bonds redeemed and paid at par on March 15, 1941, with interest in full to that date. After March 15, 1941, interest will not accrue on any such bonds.

2. *Presentation and surrender of coupon bonds.* Treasury Bonds of 1941–43 in coupon form should be presented and surrendered to any Federal Reserve Bank or branch, or to the Treasurer of the United States, Washington, D. C., for redemption on March 15, 1941. The bonds must be delivered at the expense and risk of holders (see par. 9 of this section) and should be accompanied by appropriate written advice (see Form P.D. 1669 attached hereto [1]). Checks in payment of principal will be mailed to the address given in the form of advice accompanying the bonds surrendered.

3. Coupons dated March 15, 1941, which become payable on that date, should be detached from any Treasury Bonds of 1941–43 before such bonds are presented for redemption on March 15, 1941, and such coupons should be collected in regular course when due. All coupons pertaining to such bonds bearing dates subsequent to March 15, 1941, must be attached to any such bonds when presented for redemption: *Provided, however,* If any such coupons are missing from bonds so presented for redemption the bonds nevertheless will be redeemed, but the full face amount of any such missing coupons will be deducted from the payment to be made on account of such redemption, and any amounts so deducted will be held in the Treasury to provide for adjustments or refunds on account of such missing coupons as may subsequently be presented.

4. *Presentation and surrender of registered bonds.* Treasury Bonds of 1941–43 in registered form must be assigned by the registered payees or assignees thereof, or by their duly constituted representatives, in accordance with the general regulations of the Treasury Department governing assignments, in the form indicated in the next paragraph hereof, and thereafter should be presented and surrendered to any Federal Reserve Bank or branch, or to the Division of Loans and Currency, Treasury Department, Washington, D. C., for redemption on March 15, 1941. The bonds must be delivered at the expense and risk of holders (see par. 9 of this section) and should be accompanied by appropriate written advice (see Form P.D. 1670 attached hereto). In all cases checks in payment of principal and final interest due will be mailed to the address given in the form of advice accompanying the bonds surrendered.

5. If the registered payee, or an assignee holding under proper assignment from the registered payee, desires that payment of the principal and final installment of interest be made to him, the bonds should be assigned by such payee or assignee, or by a duly constituted representative, to "The Secretary of the Treasury for redemption." If it is desired, for any reason, that payment be made to some other person, without intermediate assignment, the bonds should be assigned to "The Secretary of the Treasury for redemption for the account of ----------," inserting the name and address of the person to whom payment is to be made. A representative or fiduciary should not assign for payment to himself individually, unless expressly authorized to do so by court order or by the instrument under which he is acting; he may, however, assign for payment to himself in his representative or fiduciary capacity.

6. Assignment in blank, or other assignment having similar effect, will be recognized, but in that event payment will be made to the person surrendering the bond for redemption, since under such assignment the bond becomes in effect payable to bearer. Assignments in blank or assignments having similar effect should be avoided, if possible, in order not to lose the protection afforded by registration.

7. A bond registered in the name of, or assigned to, a corporation or unincorporated association will ordinarily be redeemed for the account of such corporation or unincorporated association upon an appropriate assignment for that purpose executed on behalf of the corporation or unincorporated association by a duly authorized officer thereof, without proof of the officer's authority. In all such cases payment will be made only by check drawn to the order of the corporation or unincorporated association.

8. Final interest due on March 15, 1941, on registered Treasury Bonds of 1941–43 will be paid with the principal in accordance with the assignments on the bonds surrendered.

9. *Transportation of bonds.* Bonds presented for redemption under this circular must be delivered to a Federal Reserve Bank or branch, or to the Treasury Department, Washington, D. C., at the expense and risk of the holder. Coupon bonds should be forwarded by registered mail insured, or by express prepaid. Registered bonds bearing restricted assignments may be forwarded by regis-

[1] Filed as part of original document.

tered mail, but registered bonds bearing unrestricted assignments should be forwarded by registered mail insured, or by express prepaid. Facilities for transportation of bonds by registered mail insured may be arranged between incorporated banks and trust companies and the Federal Reserve Banks, and holders may take advantage of such arrangements when available, utilizing such incorporated banks and trust companies as their agents. Incorporated banks and trust companies are not agents of the United States under this circular.

IV. PRESENTATION OF CALLED BONDS FOR REDEMPTION

1. Treasury Bonds of 1941–43 should be presented and surrendered in the manner herein prescribed, and redemption will be expedited if the bonds are presented to Federal Reserve Banks, or branches, and not direct to the Treasury Department.

V. GENERAL PROVISIONS

1. Any further information which may be desired regarding the redemption of Treasury Bonds of 1941–43 under this circular may be obtained from any Federal Reserve Bank or branch, or from the Treasury Department, Washington, D. C., where copies of the Treasury Department's regulations governing assignments also may be obtained.

2. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to perform any necessary acts under this circular. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the matters covered by this circular, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41–1368; Filed, February 25, 1941; 12:19 p. m.]

[1941 Department Circular No. 649]

OFFERING OF 2 PERCENT TREASURY BONDS OF 1948–50

I. OFFERING OF BONDS

FEBRUARY 25, 1941.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par, from the people of the United States for 2 percent bonds of the United States, designated Treasury Bonds of 1948–50, in payment of which only Treasury Bonds of 1941–43, called for redemption on March 15, 1941, or Treasury Notes of Series A–1941, maturing March 15, 1941, may be tendered. The amount of the offering under this circular will be limited to the amount of Treasury Bonds of 1941–43 and of Treasury Notes of Series A–1941 tendered and accepted.

II. DESCRIPTION OF BONDS

1. The bonds will be dated March 15, 1941, and will bear interest from that date at the rate of 2 percent per annum, payable semiannually on September 15, 1941, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature March 15, 1950, but may be redeemed at the option of the United States on and after March 15, 1948, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $50, $100, $500, $1,000, $5,000, $10,000, and $100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par for bonds allotted hereunder must be made or completed on or before March 15, 1941, or on later allotment, and may be made only in Treasury Bonds of 1941–43, called for redemption on March 15, 1941, or in Treasury Notes of Series A–1941, maturing March 15, 1941, which will be accepted at par, and should accompany the subscription. Payment of final interest due March 15, 1941, on securities exchanged hereunder will be effected, in the case of coupon bonds or notes, by payment of March 15, 1941 coupons, which should be detached by holders before presentation of the securities for exchange, and in the case of registered bonds, by checks drawn in accordance with the assignments on the bonds surrendered.

V. SURRENDER OF CALLED BONDS

1. *Coupon bonds.* Treasury Bonds of 1941–43 in coupon form tendered in payment for bonds offered hereunder should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasurer of the United States, Washington, D. C. Coupons dated September 15, 1941, and all coupons bearing subsequent dates, should be attached to such bonds when surrendered, and if any such coupons are missing, the subscription must be accompanied by cash payment equal to the face amount of the missing coupons. The bonds must be delivered at the expense and risk of the holder. Facilities for transportation of bonds by registered mail insured may be arranged between incorporated banks and trust companies and the Federal Reserve Banks, and holders may take advantage of such arrangements when available, utilizing such incorporated banks and trust companies as their agents.

2. *Registered bonds.* Treasury Bonds of 1941–43 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for Treasury Bonds of 1948–50"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for Treasury Bonds of 1948–50 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treas-

ury for exchange for Treasury Bonds of 1948–50 in coupon form to be delivered to _____."

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41–1370; Filed, February 25, 1941; 12:20 p. m.]

[1941 Department Circular No. 650]

OFFERING OF ¾ PERCENT TREASURY NOTES OF SERIES D–1943

FEBRUARY 25, 1941.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par, from the people of the United States for ¾ percent notes of the United States, designated Treasury Notes of Series D–1943, in payment of which only Treasury Bonds of 1941–43, called for redemption on March 15, 1941, or Treasury Notes of Series A–1941, maturing March 15, 1941, may be tendered. The amount of the offering under this circular will be limited to the amount of Treasury Bonds of 1941–43 and of Treasury Notes of Series A–1941 tendered and accepted.

II. DESCRIPTION OF NOTES

1. The notes will be dated March 15, 1941, and will bear interest from that date at the rate of ¾ percent per annum, payable semiannually on September 15, 1941, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature March 15, 1943, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all Federal taxes, now or hereafter imposed. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

4. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.

5. Bearer notes with interest coupons attached will be issued in denominations of $100, $500, $1,000, $5,000, $10,000, and $100,000. The notes will not be issued in registered form.

6. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par for notes allotted hereunder must be made or completed on or before March 15, 1941, or on later allotment, and may be made only in Treasury Bonds of 1941–43, called for redemption on March 15, 1941, or in Treasury Notes of Series A–1941, maturing March 15, 1941, which will be accepted at par, and should accompany the subscription. Payment of final interest due March 15, 1941, on securities exchanged hereunder will be effected, in the case of coupon bonds or notes, by payment of March 15, 1941, coupons, which should be detached by holders before presentation of the securities for exchange, and in the case of registered bonds, by checks drawn in accordance with the assignments on the bonds surrendered.

V. SURRENDER OF CALLED BONDS

1. *Coupon bonds.*—Treasury Bonds of 1941–43 in coupon form tendered in payment for notes offered hereunder should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasurer of the United States, Washington, D. C. Coupons dated September 15, 1941, and all coupons bearing subsequent dates, should be attached to such bonds when surrendered, and if any such coupons are missing, the subscription must be accompanied by cash payment equal to the face amount of the missing coupons. The bonds must be delivered at the expense and risk of the holder. Facilities for transportation of bonds by registered mail insured may be arranged between incorporated banks and trust companies and the Federal Reserve Banks, and holders may take advantage of such arrangements when available, utilizing such incorporated banks and trust companies as their agents.

2. *Registered bonds.* Treasury Bonds of 1941–43 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for Treasury Notes of Series D–1943 to be delivered to _____," in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery on notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41–1369; Filed, February 25, 1941; 12:20 p. m.]

WAR DEPARTMENT.

[Contract No. W 535 ac–16691 (4061)]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WESTON ELECTRICAL INSTRUMENT CORPORATION

Contract for: Indicator Assemblies, Bulbs, and Data.

Amount: $1,516,412.72.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances

of which are sufficient to cover cost of same:

AC 34 P 12–3037 A 0705–01---- $1,441,164.00
AC 28 P 82–1280 A 0705–01---- 75,248.72

This Contract, entered into this thirtieth day of December 1940.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Indicator Assemblies, * * * Bulbs and data for the consideration stated one million five hundred sixteen thousand four hundred twelve and 72/100 dollars ($1,516,412.72) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Options. (1) The Government is granted the right and option at any time within * * * days from and after date of approval of this contract to increase the quantity or quantities of Items 5 to 12, inclusive, called for under the terms of paragraph (1) of Article 16 of this contract to any quantity specified herein.

(2) The Government is granted the further right and option at any time during the life of this contract to increase the quantity or quantities of the articles called for under the terms of paragraph (1) of Article 16 hereof at not more than the unit prices stipulated, by any amount not exceeding * * * percent of the entire contract price stipulated, said increase to be applied as to any or all item or items at the option of the Government.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–1380; Filed, February 26, 1941; 9:46 a. m.]

[Contract No. W 535 ac–17300 (4215)]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CONTINENTAL MOTORS CORPORATION

Contract for: * * * Aeronautical Engines, * * * Spare Parts Therefor and Data, $9,047,049.00; Rental and Carrying Charges, $1,667,970.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover costs of same:

AC 34 P 12–3037 A 0705–01
AC 26 P 81–3037 A 0705–01
AC 28 P 82–3037 A 0705–01

This Contract, entered into this Fourth day of January 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver to the Government all of the articles and data as provided in Article 16 hereof, for the consideration stated nine million forty seven thousand forty nine dollars ($9,047,049.00) for engines and spare parts called for hereunder and one million six hundred sixty seven thousand nine hundred seventy dollars ($1,667,970.00) payable as provided in Article 16 hereof as rental and carrying charges more particularly described in said Article 16.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 16. *Articles and Supplies Called For and Payment Therefor.* (1) The Contractor shall furnish and deliver to the Government all of the following articles.

Item 1. * * * Engines, Aeronautical, total, $8,224,590.00.

Item 2. Certain spare parts for all of the aeronautical engines called for under the terms of Item 1, at a total price not exceeding, $822,459.00.

(2) In addition to the payments hereinbefore provided for, the Government shall likewise pay to the Contractor upon delivery of each engine contracted for hereunder, subject to adjustment as hereinafter provided for in Article 24 hereof, a sum of * * * per engine; * * * of such amount shall, under the terms of an Agreement of Lease entered into under date of * * *, between the Defense Plant Corporation, created by the Reconstruction Finance Corporation pursuant to Section 5d of the Reconstruction Finance Corporation Act, as amended, to aid the Government of the United States in its National Defense Program and the Continental Motors Corporation, the Contractor herein, be turned over to the said Defense Plant Corporation for rental charge. The balance of $ * * * shall be payable to the Contractor for carrying charges for insurance on machinery, equipment and facilities as referred to in the aforementioned Agreement of Lease and for use for other taxes payable by the Contractor in respect of said machinery, equipment and facilities or for use or lease thereof by the Contractor in connection with the performance of this contract. On payment by the Government of each sum of * * * as provided for hereunder, title to an undivided * * * of said machinery, equipment and facilities shall vest in the Government subject, however, to the provisions contained in Article 24 hereof and the Agreement of Lease hereinbefore mentioned shall be amended so as to so provide.

(3) The Contractor shall likewise furnish and deliver to the Government, without additional cost therefor, the following engineering data covering the engines called for under Item 1 of this Article:

(a) Vandykes of bill of material.
(b) Vandykes of drawings and data lists.
(c) Handbook of Instructions.

ART. 19. *Advance payments.* Advance payments may be made from time to

time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed * * * percentum of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 24. *Title to be acquired by the Government in leased property.* (1) The lease pursuant to which the machinery, equipment and facilities acquired by the Defense Plant Corporation and leased to the Contractor, as hereinbefore referred to, shall be amended to provide that upon payment to the Contractor by the Government for repayment to the Defense Plant Corporation of the payments (rental and carrying charges) as provided for in Article 16 hereof, title to an undivided * * * of such machinery, equipment and facilities shall vest in the Government for each such payment made. The lease shall be amended to further provide that when the total of all payments, (rental and carrying charges), has been made or when the additional sum provided for in Article 24A hereof has been paid, title to an undivided * * * of the machinery, equipment and facilities referred to above (inclusive of the title previously acquired pursuant to the provisions of this contract and the lease) shall vest or shall have vested in the Government. The title to the machinery, equipment and facilities referred to above which has vested in the Government pursuant to any of the provisions of this contract and the lease shall be subject to all the terms and conditions of said lease in respect to the use of said machinery, equipment and facilities by the Contractor for the term of such lease and any renewal or extension of such term as may be agreed upon by the Defense Plant Corporation and the Contractor, and including the right of the Defense Plant Corporation to collect and retain all rentals payable to it thereunder by the Contractor in connection with the manufacture and sale of engines and also including the right of the Defense Plant Corporation to authorize the Contractor to substitute or exchange any of the machinery, equipment and facilities.

(2) The exact amount to be paid by the Contractor as rental and carrying charges, as referred to in Article 16 hereof, cannot be determined until completion of the terms of this contract and, therefore, on such completion or termination and the determination of the exact amount of such charges an adjustment shall be made (subject to the availability of appropriations in case of any increase over the amount set forth in paragraph (2) of Article 16) between the parties hereto of amounts paid or to be paid by the Government for such rental and carrying charges.

(3) The Defense Plant Corporation may at any time, by written notice to the Government, demand partition or division of the machinery, equipment and facilities, and the Government upon such demand so made shall thereupon pay to the Contractor for repayment to the Defense Plant Corporation any unpaid balance of its * * * share of the cost of the machinery, equipment and facilities, determined as provided in Article 24A hereof, and shall thereupon be entitled to its proper share in the partition or division of the machinery, equipment and facilities.

(4) The percentage of title of the Government to an undivided interest in machinery, equipment and facilities as referred to in this Article or elsewhere in this contract shall include only that portion of title which shall vest in the Government as represented by the United States Army Air Corps and shall not include that portion of title which shall vest in the Government represented by any other branch or department under the terms of a separate contract or contracts heretofore or hereafter entered into between the Government and the Contractor.

ART. 25. *Termination when Contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

ART. 31. *Price adjustment.* The contract prices stated in this contract for * * * Aeronautical Engines are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the * * * Engines.

This Contract authorized under the provisions of section 1 (a), Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-1379; Filed, February 26, 1941; 9:46 a. m.]

[Contract No. W 535 ac-17479 (4289)]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: GENERAL MOTORS CORPORATION (BUICK MOTOR DIVISION)

Contract for: * * * Series Aeronautical Engines, Spare Parts, and Data.

Estimated cost: $34,110,520.00.

Fixed-fee: $2,387,000.00.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

AC 34 P 12-3037 A 0705-01
AC 28 P 82-3037 A 0705-01

This Contract, entered into this 7th day of January 1941.

ARTICLE 1. *Statement of work.* The Contractor shall within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government the following articles:

Item 1. * * * Pratt and Whitney Model * * * engines.
Item 2. Spare parts.
Item 3. Vandykes of bills of material.
Item 4. Vandykes of drawings.
Item 5. Handbook of instructions.
Item 6. Breakdown, complete, carbon-backed, of component parts of one of the engines.

(5) The Contractor shall provide all utility connections, approaches, services, tools, dies, jigs, fixtures, gauges, patterns, shop equipment and similar items, including perishable tools (hereinafter collectively called tool and shop equipment), which are or may become necessary for the performance of this contract, and which are not made available to the Contractor under the third party contract or the contract between the Contractor and Defense Plant Corporation contemplated hereby (hereinafter called the Defense Plant Contract).

(6) It is understood that all tool and shop equipment furnished hereunder, together with like equipment to be furnished under the third party contract is to be used for the production of engines both for the Government and for the purchaser under the third party contract. The Government, therefore, hereby grants to the Contractor the right to use the tool and shop equipment furnished hereunder without payment for such use in connection with the manufacture of engines for the purchaser under the third party contract, and for the manufacture of engines for the Government hereunder; and the Contractor has, by appropriate provision in the third party contract, arranged for the use by the Contractor without payment for such use, of all tool and shop equipment furnished under the third party contract in connection with the manufacture of engines for the Government hereunder.

ART. 2. *Estimated costs.*

Quantity:	*Estimated cost*
(a) * * * Aeronautical engines	$31,000,000.00
Spare parts for * * * Aeronautical Engine	3,100,000.00
(b) Expenditures by the Contractor, which except for their segregation for the purpose of determining the fees would have been included in the foregoing estimates, shall constitute allowable items of cost under this contract for all purposes except the computation of the fees to be earned by the Contractor, total	10,520.00

ART. 3. *Consideration.* (a) The Government will pay the Contractor upon

satisfactory delivery of all items specified in the contract, subject to partial payments as outlined in Article 6 hereof, the cost, plus a fixed fee of Two Million One Hundred Seventy Thousand Dollars ($2,170,000.00) and the cost plus a fixed fee for spare parts, which fee shall be approximately Two Hundred Seventeen Thousand Dollars ($217,000.00).

(b) For purposes of determining the amounts payable to the Contractor under this contract, allowable items of cost will be determined by the Contracting Officer in accordance with Regulations for the determination of the cost of performing a contract.

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order and without notice to the sureties, if any, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6. *Payments. Reimbursement for cost.* The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 as may be approved or ratified by the Contracting Officer, and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers. Generally, reimbursement will be made weekly, but may be made at more frequent intervals if the conditions so warrant.

Payment of the fixed fee. Ninety percent (90%) of the fixed fees set forth in paragraph (a) of Article 3 hereof shall be paid as they accrue, in monthly installments as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fees, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3, shall be paid to the Contractor.

Advances. The Government, as requested by the Contractor from time to time, shall make advance payments to the Contractor, without payment of interest thereon by the Contractor, of such sums as may be requested by the Contractor and approved by the Contracting Officer, the aggregate of which shall not exceed thirty per centum (30%) of the estimated cost of the work under this contract. Such advances shall be made upon such terms and conditions and with such security as the Secretary of War shall prescribe.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 18. *Contingencies.* It is understood and agreed that performance of this contract by the Contractor is dependent upon the execution of related contracts, including the Defense Plant Contract, the third party contract and a contract or contracts between United Aircraft Corporation and the Contractor covering licenses to manufacture and sell to the Government and the purchaser under the third party contract engines and spare parts of the type and model herein specified. If all such contracts have not been executed in form satisfactory to the Contractor within * * * days from and after the effective date of this contract, or within such further time as shall be agreed upon, the Contractor shall have the right, within * * * days thereafter to demand in writing of the Contracting Officer that the Government terminate this contract upon the terms and conditions hereinbefore stated in the clause permitting termination when the Contractor is not in default, and the Government agrees in such event to so terminate.

ART. 20. *Title to property where partial payments are made.* The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

ART. 22. *Fire insurance.* The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, until the same is delivered to the Government.

ART. 32. *Special provision.* After the Contractor has manufactured under this contract and the third party contract a total of * * * engines of substantially the type and model herein specified, or at such other date as may be mutually agreed upon by the parties hereto, the Contractor, on the basis of the experience or other bases for negotiation of prices obtained, will endeavor to reach an agreement with the Government upon a definite price to be paid by the Government to it per unit, in lieu of the cost plus fixed fee herein otherwise provided for, and in the event that such an agreement be reached and reduced to writing, it may provide that the fixed price per unit shall apply not only to units thereafter to be delivered under the terms of this contract, but also to units theretofore delivered, for which proper adjustment shall be made. It is understood that any agreement that may be reached between the parties hereto as provided hereinabove for the substitution of a definite price in lieu of cost-plus-a-fixed-fee shall contain adequate and suitable provisions for the adjustment from time to time of such price on account of changes in labor and material costs, taxes, and other items subsequent to the making of such agreement, and such other appropriate changes as may be agreed upon. If such an agreement shall be not duly executed, the provisions of this contract shall remain in full force and effect.

ART. 34. *Options.* The Government is granted the right and option at any time not later than * * * months prior to the scheduled date of completion of this contract, to increase the quantity of engines called for under Item 1 of Article 1 hereof by * * * engines and to increase the quantity of spare parts called for under the terms of Item 2 of Article 1 hereof by an amount equal to approximately * * * complete engines.

This contract authorized under the provisions of sec. 1 (a) Act of July 2, 1940, and sec. 2 (a) Act of June 28, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-1378; Filed, February 26, 1941; 9:46 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Dockets Nos. A-63 to A-68]

PETITIONS OF CARRIER AND SON, P. AND G. COAL COMPANY, A. D. GRASSO, ELBA COAL COMPANY, CLARION COAL MINING COMPANY, AND WOLF-O-LACK COAL COMPANY FOR THE ESTABLISHMENT AND REVISION OF EFFECTIVE CLASSIFICATIONS AND MINIMUM PRICES FOR THE HARLAN, P. AND G., ELBA, DOCSMITH, AND LONE TREE MINES (MINE INDEX NOS. 197, 604, 599, 136, AND 603, DISTRICT NO. 1) AND THE HERCULES MINE, AND FOR THE ESTABLISHMENT OF SPECIAL CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES FOR SO-CALLED "CROP" COAL PRODUCED BY THE PETITIONERS

ORDER CONCERNING VARIOUS MOTIONS OF DISTRICT BOARD NO. 1 AND ORIGINAL PETITIONERS AND ORDER FOR AND NOTICE OF LIMITED REOPENING OF HEARING

Original petitions having been filed by the above-named parties, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937; and

A hearing having been held thereon before D. C. McCurtain, a duly designated Examiner of the Division, on October 28–31, 1940, in a hearing room of the Division, 734 15th Street NW., Washington, D. C.; and

Orders of the Director, dated November 27, 1940 and January 9, 1941, granting temporary relief in these matters, having heretofore issued; and

District Board No. 1 now having filed a motion, dated January 28, 1941, to rescind said Orders; and

The Original petitioners, A. D. Grasso, P. and G. Coal Company, Clarion Coal Mining Company, and Elba Coal Company, Inc., having filed a motion, dated

January 31, 1941, to so modify the Order dated January 9, 1941 as to permit the sale of coal loaded in the "No Bill" cars; and

All the original petitioners having filed a motion, dated February 5, 1941, for leave to amend the original petitions and for reopening of the hearing herein; and

The Director having rendered a Memorandum Opinion concerning these matters dated February 21, 1941;

Now, therefore, it is ordered, That the motions of District Board No. 1, dated January 28, 1941 and of original petitioners, A. D. Grasso, P. and G. Coal Co., Clarion Coal Mining Company, and Elba Coal Company, Inc., dated January 31, 1941, be and the same are hereby denied; and

It is further ordered, That the motion of original petitioners dated February 5, 1941, be and the same hereby is granted; and

It is further ordered, That the amendments to the original petitions be and the same are hereby received and the hearing reopened for the limited purposes, however, of receiving further evidence on the following issues:

1. The market history and marketing conditions of original petitioners' coals in Size Groups 4 and 5 when shipped via lower lake ports for transshipment to upper lake docks and consumers in Market Areas 98 and 99;

2. The market history and marketing conditions, since October 31, 1940, of original and intervening petitioners' coals when shipped by rail.

All parties to these proceedings shall have the opportunity of presenting evidence as aforesaid.

It is further ordered, That the temporary relief granted by said Orders of the Director dated November 27, 1940 and January 9, 1941, be and the same hereby is extended until final determination of the petitions herein or until the Director shall otherwise order; and

It is further ordered, That the Examiner before whom the hearing in this matter was held shall not submit his proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises until the termination of the hearing; and

It is further ordered, That the hearing, as heretofore limited, be reopened, under the applicable provisions of said Act and the rules of the Division, on February 28, 1941, at ten o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the reopened hearing in this matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings. Any person who is not already a party but whose interests are affected by the amendments to the original petitions now received and desiring to be admitted as a party to this proceeding may file a petition for leave to intervene in accordance with the Rules and Regulations of the Bituminous Coal Division for Proceedings Instituted Pursuant to section 4 II (d) of the Act. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 27, 1941.

The matter concerned herewith is in regard to the requests of Carrier and Son, P. and G. Coal Company, A. D. Grasso, Elba Coal Company, Clarion Coal Mining Company, and Wolf-O-Lack Coal Company for reductions in the price classifications for their Harlan, P. and G., Hercules, Elba, Docsmith, and Lone Tree mines; and the request of all the aforementioned petitioners for the establishment of special price classifications and effective minimum prices for so-called "crop" coals produced by them for shipments via rail and lake.

Dated: February 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1406; Filed, February 26, 1941; 11:41 a. m.]

[Docket No. A-352]

PETITION OF THE CONSUMERS' COUNSEL DIVISION SEEKING FREE ALONGSIDE PRICES FROM DISTRICTS NOS. 8, 9, AND 10 FOR THE OLD QUAKER COMPANY, LAWRENCEBURG, INDIANA, IN MARKET AREA NO. 26

[Docket No. A-539]

PETITION OF THE CONSUMERS' COUNSEL DIVISION SEEKING FREE ALONGSIDE PRICES FROM DISTRICTS NOS. 8 AND 9, FOR THE LAWRENCEBURG ROLLER MILLS CO., LAWRENCEBURG, INDIANA, IN MARKET AREA NO. 26

[Docket No. A-540]

PETITION OF THE CONSUMERS' COUNSEL DIVISION SEEKING FREE ALONGSIDE PRICES FROM DISTRICTS NOS. 8, 9, AND 10 FOR JAMES WALSH & COMPANY, INC., LAWRENCEBURG, INDIANA, IN MARKET AREA NO. 26

MEMORANDUM AND ORDER CONCERNING TEMPORARY RELIEF

Petitions were filed by the Consumers' Counsel Division requesting that The Old Quaker Company, The Lawrenceburg Roller Mills Co., and James Walsh & Company, Inc., consumers located in Lawrenceburg, Indiana, be permitted to purchase coal at minimum f. o. b. mine prices for free alongside delivery, and further requesting that temporary relief be granted pending the disposition of the petition.

A hearing on these matters was held on January 10, January 11, and January 23, 1941. Subsequent to the hearing, Consumers' Counsel Division moved that temporary relief be granted on the basis of the facts established at the hearing.

At the hearing petitioner introduced evidence showing that during the years 1938, 1939, and 1940 The Lawrenceburg Roller Mills Co. and James Walsh & Company, Inc., received by far the major portion of their coal purchased via ex-river movement at a substantial saving in price as compared with coal received during the same period by rail, and that The Old Quaker Company during 1939 and 1940 received substantially over 50 per cent of its coal purchases via ex-river movement at a substantial saving as compared with coal received during that period by rail.

The Director is of opinion that petitioner has made a prima facie showing that in the past each of these consumers has regularly purchased coal moving by river at a saving over available prices for comparable coal moving by rail. The Director is further of opinion that petitioner has made an adequate showing of actual or impending injury in the event that temporary relief is not granted, that the granting of this relief would not unduly prejudice other interested persons in advance of a final determination of these proceedings, and that a sufficiently clear showing has been made that petitioner is entitled to the relief sought.

Now, therefore, it is ordered, That pending final determination of these proceedings, code members may sell at free alongside prices to The Old Quaker Company, The Lawrenceburg Roller Mills Co. and James Walsh & Company, Inc., for consumption at their plants located at Lawrenceburg, Indiana.

Motions to stay, terminate or modify the temporary relief given in this order may be made pursuant to the rules and regulations for proceedings pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: February 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1404; Filed, February 26, 1941; 11:41 a. m.]

[Docket No. A-623]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF A PRICE OF $1.00 PER TON ON ¼" X 0 SLUDGE, PRODUCED BY MINE INDEX 47, WHICH SIZE IS CURRENTLY EMBRACED IN SIZE GROUP 25

MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

This proceeding in the above entitled matter was instituted upon an original petition filed with the Bituminous Coal Division (the "Division") by District Board No. 11 on January 25, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"). The petition prays for the issuance of temporary and final orders establishing for ¼" x 0 sludge, produced by Mine Index 47 (King Station Mine, Princeton Mining Company), District 11, a price of $1.00 per ton in lieu of the Effective Minimum Price of $1.50 per ton for Size Group 25, in which Size Group that size of coal is presently included. District Board No. 10 has filed a petition of intervention, praying that no action be taken prejudicial to its interests or to those of code members in District 10.

On February 6, 1941, an informal conference concerning temporary relief in this matter was held pursuant to § 301.106 (d) of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act, upon due telegraphic notice to the original petitioner and the Statistical Bureau for District 11, and notice by memorandum to the Consumers' Counsel. The original petitioner was instructed to notify interested persons of the conference and the Statistical Bureau to post its notice thereof.

Appearances at the conference were noted by the original petitioner; by District Board 10; by Princeton Mining Company; by the Old Ben Coal Corporation, Peabody Coal Company, Chicago, Wilmington & Franklin Coal Company, Franklin County Coal Corporation, and Wasson Coal Company, code members in District 10. Franklin County Coal Corporation also filed a separate appearance.

The formal documents and the representations made at the conference in this matter indicate that:

Prior to October 1, 1940, the Princeton Mining Company disposed of picking table refuse accumulated at its King Station Mine by crushing it in a Bradford Breaker, washing it, and marketing the resultant product as cleaned breaker screenings. Shortly after this date, the code member installed and placed in operation a larger washing plant at this operation. It now washes a combination of 6" x 1¼" egg and crushed refuse taken from the lump picking table. When the washing process is completed the coal is screened into 6" x 3" egg, 3" x 2" nut, 2" x 1¼" nut, and 1¼" x ¼" stoker. These sizes are dewatered over a ¼" round hole shaker screen.

The resultant product passing through the ¼" round holes is conveyed to a sludge tank, from which it is carried to bins for storage, or for direct loading into railroad cars or for mixing with other sizes of coal. This ¼" x 0 sludge falls technically into Size Group 25—washed carbon—which, in the case of Mine Index 47, carries a price of $1.50 per ton, the same as Size Group 14. Operating on a double shift, Mine Index 47 produces between 2 and 3 cars of ¼" x 0 sludge per day, or about 13 to 14 cars a week. Between October 1, 1940, and January 15, 1941, it produced a total of about 152 cars of this sludge, or a total of approximately 7,560 tons. Of this total 6 cars, or 308 tons were shipped direct to consumers or retail yards; 16 cars, or 803 tons were shipped under substitution permits on orders for raw carbon; 41 cars, 1,983 tons, were mixed with other coal or railroad fuel coal; 74 cars, 3,716 tons, were wasted by the C. & E. I. Railroad for the code member at a cost of $9.50 per car to the latter.

The inclusion of this ¼" x 0 in railroad fuel provoked complaints from the consumers which have forced the code member to discontinue this practice. Likewise complaints concerning the inferior quality of the coal have been received from other consumers.

Containing an unusually high percentage of fines, and a moisture content, as loaded, running as high as 30 per cent, King Station's ¼" x 0 sludge is seemingly of considerably poorer quality than the washed carbon coal contemplated by the $1.50 price established for Size Group 25. This is apparently due chiefly to the fact that whereas washed carbon is usually marketed after dewatering over 1 millimeter screens in a centrifugal dryer, for the purpose of removing small fines and extraneous moisture, neither of these preparation methods, nor any other, is employed with respect to King Station's sludge.

According to the proponents of the instant petition, King Station is unable to dewater its sludge over 1 millimeter screens through a centrifugal drier because of the scarcity of water at the mine. It was further asserted that it is impossible to store the coal in any quantity on the ground at the mine, because the incidental drainage was highly detrimental to surrounding farmland, and would inevitably occasion the institution of lawsuits against the operators.

Claiming that the market for the sludge is extremely limited, the original petitioner and the Princeton Mining Company maintained that the 50 cent reduction prayed for was essential to permit the operator to move the coal.

This proceeding was originally initiated by an application from the code member to District Board 11 requesting that the Board file a 4 II (d) petition, on its behalf, praying for a reduction in price for the coal in question. The Board then assigned the matter for the consideration of a classification committee. Samples of the sludge were analyzed and verified to the satisfaction of the committee that it was improperly priced at $1.50. The committee recommended a 20 cent reduction in the price of the coal. When the matter was referred to it, however, the District Board voted in favor of the filing of a petition praying for a 50 cent reduction—a price of $1.00 per ton.

At the conference, representatives of the aforementioned District 10 code members, who operate mines in the Southern Illinois Subdistrict, opposed the petition. They insisted that in the light of the analyses of King Station sludge, the establishment of a price of $1.00 therefor would seriously prejudice the competitive opportunities of Southern Illinois mines—particularly in Market Area 29, which is the scene of intense competition between Districts 10 and 11, and where the granting of the relief prayed for would accord King Station's sludge delivered differentials under Southern Illinois raw and washed carbon of 50 cents and $1.00, respectively. It was stated on behalf of these code members, however, that there would be no objection to the temporary effectuation of the 20-cent reduction originally recommended by the District Board 11's classification committee.

The Vice-President of the Franklin County Coal Corporation, one of the District 10 code members, stated that his company had faced the same problem as King Station with respect to the preparation of washed carbon, namely, a severe shortage of water and valuable surrounding farm country—but had met the problem, nevertheless, by the installation of dewatering screens. The Princeton Mining Company indicated at the conference that it was also attempting to work out a practicable method of dewatering its sludge.

The King Station Mine has generally in the past operated two shifts a day, producing about 6800 tons of coal daily and has continued to do so under the Effective Minimum Prices. Assuming the necessity of having the railroad waste every car of sludge produced, the mine is able to dispose of it and maintain its running time through an annual disbursement of between $5,000.00 and $7,000.00, as compared with a total annual realization considerably in excess of $1,000,000.00. It was conceded by a representative of the King Station Mine that its current difficulties were occasioned by an attempt to market a new product, rather than by the prejudicial effect of a price established for coals previously marketed by it; or, in other words, that the problem confronting it had been occasioned by a change in its method of operation from October 1, 1940.

Despite the fact that there was some indication that the chief markets for the coal would be in territories surrounding

the mines where District 10 is not competitive, the proponents of the original petition refused at the conference either to accept temporary relief so limited as to market areas as to avoid or minimize the possibility of injury to competing code members in District 10. The original petitioner also declared that temporary relief in the form of a 20-cent reduction, as originally recommended by its classification committee, would be of no benefit.

District Board 10 confined its position to a statement that it was opposed in principle to the granting of relief on the basis of an informal conference.

Having considered all the foregoing circumstances, the Director is of the opinion: That no reasonable showing of necessity has been made for the granting of the temporary relief prayed for; that no adequate showing has been made of actual and impending injury in event that such relief is not granted; that no adequate showing has been made that the granting of such relief would not unduly prejudice such other interested persons in advance of a hearing; and that the issues raised by this petition are highly controversial and can properly be determined only after full exploration of the facts at a formal hearing, which is already set for an early date—March 4, 1941.

Now, therefore, it is ordered, That the prayer for temporary relief, pending final disposition of the petition herein, is denied.

Dated: February 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1405; Filed, February 26, 1941; 11:41 a. m.]

[Docket No. 1536-FD]

IN THE MATTER OF TIERNEY MINING COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 27, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 30, 1941, by Troy T. Deskins, a code member, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 31, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Hotel Norton, Norton, Virginia.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling to Jennings Runyon, Bell Creek, Kentucky, on or about January 6, 1941, approximately 2.48 tons of 3'' and over lump coal produced at its Tierney Mine, Mine Index No. 461, District No. 8, at $2.50 per ton f. o. b. the mine, the applicable effective minimum price f. o. b. the mine established for such coal being $2.55 per ton.

Dated: February 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1403; Filed, February 26, 1941; 11:40 a. m.]

[Docket No. 1537-FD]

IN THE MATTER OF TIERNEY MINING CO. AND W. B. DOTSON, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 27, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 30, 1941, by Troy T. Deskins a code member, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 31, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Hotel Norton, Norton, Virginia.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to adminster oaths and affirmations, examine witnesses, subpoena witnesses, compel their atendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling on a delivered basis via truck to numerous customers living in Stone, Huddy and Belfry, Kentucky, during the period since October 1, 1940, large quantities of coal hand picked from the refuse pile at its Tierney Mine, Mine Index No. 461, District No. 8, at prices less than the applicable effective minimum prices f. o. b. the mine established for such coal plus the transportation, handling and other incidental charges.

Dated: February 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1402; Filed, February 26, 1941; 11:40 a. m.]

[Docket No. 1538-FD]

IN THE MATTER OF VARNEY & ROSE, A PARTNERSHIP, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 27, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 30, 1941, by Troy T. Deskins, a code member, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 31, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Hotel Norton, Norton, Virginia.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriated order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling to the Pike County Board of Education, Pikeville, Kentucky, during the period on or about October 14, 1940 to October 16, 1940, both dates inclusive, 40 tons of 1¼" and over lump coal produced at its Varney and Rose Mine, Mine Index No. 2397, District No. 8, at a price of $2.15 per ton f. o. b. the mine, the applicable effective minimum price f. o. b. the mine established for such coal being $2.25 per ton.

Dated: February 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1401; Filed, February 26, 1941; 11:40 a. m.]

[Docket No. 1554-FD]

IN THE MATTER OF WILLIAM ADAMS, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 6, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 31, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Hotel Norton, Norton, Virginia.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or

otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the period since October 1, 1940, to Clark Day and various other persons approximately 300 tons of 1¼" lump coal and approximately 300 tons of 1¼" x 0 nut-slack coal produced by the defendant at his mine located at Sand Lick Gap, Kentucky, at a price of not more than $1.50 per ton f. o. b. the mine for 1¼" lump coal and not more than $1.00 per ton for 1¼" x 0 nut-slack coal f. o. b. the mine, the applicable effective minimum price established for said coal f. o. b. the mine being $2.55 per ton and $1.60 per ton, respectively.

Dated: February 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1396; Filed, February 26, 1941; 11:39 a. m.]

[Docket No. A-506]

PETITION OF HACKATHORNE & MYERS, A PRODUCER IN DISTRICT NO. 4, FOR A CHANGE IN THE EFFECTIVE MINIMUM PRICES

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 14, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 10, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition of Hackathorn & Myers, a producer in District 4, for reduction in the effective minimum prices in Size Groups 6, 7, and 8, for shipment by truck to certain destinations in Market Area 13.

Dated: February 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1395; Filed, February 26, 1941; 11:39 a. m.]

[Docket No. A-646]

PETITION OF OSBORNE COAL COMPANY, A PRODUCER IN DISTRICT NO. 8, FOR AN EMERGENCY ORDER FOR A REDUCTION IN MINIMUM PRICES

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 4, 1941, at 2 o'clock in the afternoon of that day, at the Post Office Building, London, Kentucky.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 1, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition of the Osborne Coal Company, a producer in District 8, for a reduction in the effective minimum prices on certain tonnages of nut and slack and egg coals alleged to be on fire or threatened by fire.

Dated, February 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1394; Filed, February 26, 1941; 11:39 a. m.]

[Docket No. 1549-FD]

IN THE MATTER OF N. J. LUCAS, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 6, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 3, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Hotel Norton, Norton, Virginia.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance,

take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling (1) during the period since October 1, 1940 to various persons approximately 500 tons of 1½" lump coal produced by the defendant at his Lucas Mine, Mine Index No. 1348, District No. 8, at a price of $2.50 per ton delivered via truck into Whitesburg, Kentucky, the applicable effective minimum price established for said coal f. o. b. the mine being $2.55 per ton; (2) during the period since October 1, 1940 to various persons approximately 600 tons of 1½" x 0 nut-slack coal produced by the defendant at his Lucas Mine, Mine Index No. 1348, at a price of $1.67 per ton delivered via truck in and about Whitesburg, Kentucky, the applicable effective minimum price established for said coal f. o. b. the mine being $1.60 per ton, the actual cost of delivering such coal in each instance being more than 7¢ per ton; and (3) during the period since October 1, 1940 to the Letcher County Board of Education approximately 500 tons of 1½" x ¾" coal produced by the defendant at his Lucas Mine, Mine Index No. 1348, District No. 8, at a price of $1.47 per ton delivered throughout Letcher County, the applicable effective minimum price established for said coal f. o. b. the mine being $2.05 per ton.

Dated: February 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1400; Filed, February 26, 1941; 11:40 a. m.]

[Docket No. 1550-FD]

IN THE MATTER OF HENRY COOK, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 6, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 3, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Hotel Norton, Norton, Virginia.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the period since October 1, 1940, to various persons approximately 400 tons of 1¼" lump coal produced at the defendant's mine located on Camp Branch near Sand Lick Gap, Letcher County, Kentucky, at a price of not more than $1.25 per ton f. o. b. the mine, the applicable effective minimum price established for said coal f. o. b. the mine being $2.55 per ton.

Dated: February 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1399; Filed, February 26, 1941; 11:40 a. m.]

[Docket No. 1552-FD]

IN THE MATTER OF R. I. SENTERS, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 6, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 2, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Hotel Norton, Norton, Va.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling (1) during the period since October 1, 1940, to Clark Day, Whitesburg, Kentucky, and numerous other persons living at or near Whitesburg, Kentucky, approximately 600 tons of 1¼" lump coal produced by the defendant at his Richard Senters mine, Mine Index No. 2567, District No. 8, at a price of $1.00 per ton f. o. b. the mine, the applicable effective minimum price established for said coal f. o. b. the mine being $2.55; and (2) during the period since October 1, 1940, to Clark Day, Whitesburg, Kentucky, and numerous other persons living at or near Whitesburg, Kentucky, approximately 600 tons of 1¼" nut-slack coal produced by the defendant at his Richard Senters mine, Mine Index No. 2567, District No. 8, at a price of 75¢ per ton f. o. b. the mine, the applicable effective minimum price established for said coal f. o. b. the mine being $1.60 per ton.

Dated: February 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–1398; Filed, February 26, 1941; 11:39 a. m.]

[Docket No. 1553–FD]

IN THE MATTER OF DELANEY GIBSON, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 6, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 2, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Hotel Norton, Norton, Va.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the period since October 1, 1940 to Clark Day, Whitesburg, Kentucky, and numerous other persons living at or near Whitesburg, Kentucky, approximately 600 tons of mine run coal produced by the defendant at his Delaney Gibson mine, Mine Index No. 1341, District No. 8, at a price of $1.25 per ton f. o. b. the mine, the applicable effective minimum prices established for said coal f. o. b. the mine being $2.10 per ton.

Dated: February 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–1397; Filed, February 26, 1941; 11:39 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 62, NEVADA NO. 11, REDUCED

Departmental order of March 6, 1919, withdrawing certain lands in Nevada for stock driveway purposes under section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, is hereby revoked so far as it affects the following-described lands, such revocation to be

effective upon the reservation of the lands for the use of the War Department for military purposes:

MOUNT DIABLO MERIDIAN

T. 2 N., R. 43 E., sec. 12, E½;
T. 2 N., R. 44 E., secs. 7 and 8, all;

aggregating 1,590.83 acres.

E. K. BURLEW,
Acting Secretary of the Interior.

JANUARY 7, 1941.

[F. R. Doc. 41-1382; Filed, February 26, 1941; 9:47 a. m.]

STOCK DRIVEWAY WITHDRAWAL NO. 3, WYOMING NO. 1, REDUCED

Departmental order of October 20, 1917, establishing Stock Driveway Withdrawal No. 3, Wyoming No. 1, under section 10 of the act of December 29, 1916, as amended by the act of Jauary 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, as adjusted by departmental order of August 17, 1928, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 51 N., R. 80 W., sec. 30, lots 10, 11, SE¼SW¼, SE¼;
T. 51 N., R. 81 W.,
sec. 23, SE¼,
sec. 25, SW¼, E½SE¼, SW¼SE¼,
sec. 26, NW¼NE¼, S½NE¼, SE¼;

aggregating 993.87 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

FEBRUARY 11, 1941.

[F. R. Doc. 41-1381; Filed, February 26, 1941; 9:47 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 558]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 17, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 1091B1 Laurens	$50,000
Illinois 1012B2 Bureau	70,000
Illinois 1036B2 Jasper	105,000
Minnesota 1012B1 St. Louis	10,000
Minnesota 1094A1 North Itasca	25,000
Minnesota 1096A1 Beltrami	25,000
Nebraska 1007B1 Southeastern Nebraska D. P	65,000
Nebraska 1076E1 Southern Nebraska D. P	60,000
Pennsylvania 1020D1 Blair	5,000
Pennsylvania 1024C1 Bedford	27,000
Utah 1008C2 Duchesne	6,000
Washington 1031A1 Chelan	52,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-1410; Filed, February 26, 1941; 11:50 a. m.]

Surplus Marketing Administration.

DETERMINATION OF THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 1 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

Whereas the Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued on March 30, 1940, and, on April 25, 1940, made effective, as of May 1, 1940, the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area; and

Whereas the Secretary, having reason to believe that amendments to said order, as amended, would tend to effectuate the declared policy of the act, gave on the 20th day of September 1940, notice of hearings which were held on October 7 and 8, 1940, at New York City; on October 9 and 10, 1940, at Syracuse, New York; on October 11, 1940, at Albany, New York; and on October 15 and 16, 1940, at New York City; and at said times and places conducted public hearings at which all interested parties were afforded an opportunity to be heard on the proposed amendments to said order, as amended; and

Whereas after said hearings and after the tentative approval by the Secretary, on December 9, 1940, of a marketing agreement, handlers of more than fifty (50) percent of the volume of milk covered by the order, as amended, and as amended by amendment No. 1, which is produced for sale in the New York metropolitan milk marketing area, refused or failed to sign such tentatively approved marketing agreement relating to milk;

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by said act, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of amendment No. 1 to the order, as amended, is the only practical means, pursuant to such policy, of advancing the interests of producers of milk, which is produced for sale in said area; and

3. That the issuance of amendment No. 1 to the order, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of November 1940, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, Grover B. Hill, Acting Secretary of Agriculture of the United States, has executed this determination in duplicate, and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 21st day of February 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States.

Dated: FEBRUARY 25, 1941.

[F. R. Doc. 41-1413; Filed, February 26, 1941; 11:50 a. m.]

ORDER OF THE SECRETARY OF AGRICULTURE TERMINATING THE SUSPENSION OF THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA, AND MAKING EFFECTIVE AMENDMENT NO. 1 TO SUCH ORDER, AS AMENDED

Whereas the Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, on December 9, 1940, amendment No. 1 to the order, as amended, regulating the handling of milk in the New York Metropolitan milk marketing area, said amendment No. 1 to become effective at such time as the Secretary might subsequently declare; and

Whereas the Secretary of Agriculture, on January 17, 1941, after having found that the order,[1] as amended, regulating the handling of milk in the New York metropolitan milk marketing area obstructs and does not tend to effectuate the declared policy of the act, suspended said order, as amended, effective as of 11:59 p. m., e. s. t., February 28, 1941; and

Whereas the requirements, with respect to said amendment No. 1, of section 8c (9) of the above-mentioned act have been complied with, and the Secretary, having previously found that the order, as amended, and as amended by said amendment No. 1, will tend to effectuate the declared policy of said act, desires to terminate said order of suspension and simultaneously therewith to make effective said amendment No. 1:

Now, therefore, Grover B. Hill, Acting Secretary of Agriculture, pursuant to the powers conferred upon him by said act, hereby terminates, effective as of 11:59 p. m., e. s. t., February 28, 1941, said order of suspension, and hereby declares that said amendment No. 1 to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, shall be effective on and after 11:59 p. m., e. s. t., February 28, 1941, and hereby orders that such handling of milk produced for sale in the

[1] 6 F.R. 539.

New York metropolitan milk marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall, from such effective date, be in compliance with the terms and conditions of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, as amended by said amendment No. 1.

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, and that the notice herewith given is reasonable under the circumstances.

It witness whereof, Grover B. Hill, Acting Secretary of Agriculture of the United States, has executed this order in duplicate, and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 26th day of February 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41–1412; Filed, February 26, 1941; 11:50 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3391).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Determination and Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1586).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective February 27, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Atco Garment Company, 127 North Egg Harbor Road, Hammonton, New Jersey; Apparel; House Dresses; 25 learners (75% of the applicable hourly minimum wage); June 26, 1941.

Chicago Rubber Clothing Company, 1501 Albert Street, Racine, Wisconsin; Apparel; Rainwear; Sport Shirts; 10 percent (75% of the applicable hourly minimum wage); June 26, 1941.

J. S. Fuller, Inc., 45 Pine Grove Avenue, Kingston, New York; Apparel; Shirts; 10 learners (75% of the applicable hourly minimum wage) February 27, 1942.

The Gottfried Company, 2882 Detroit Avenue, Cleveland, Ohio; Apparel; Ladies' Wash Dresses; 5 percent (75% of the applicable hourly minimum wage); February 27, 1942.

Hicks-Hayward Company, 309 South Santa Fe Street, El Paso, Texas; Apparel; Pants & Overalls; 23 learners (75% of the applicable hourly minimum wage); July 17, 1941.

Hipsh, Incorporated, Ford Building, Holden, Missouri; Apparel; Men's Sportswear; 40 learners (75% of the applicable hourly minimum wage); June 26, 1941.

Kessler & Burg, Inc., 1228 Cherry Street, Philadelphia, Pennsylvania; Apparel; Ladies' Blouses; 25 learners (75% of the applicable hourly minimum wage); June 26, 1941.

Little & Martin, Ltd., 425 East Pico Street, Los Angeles, California; Apparel; Children's Dresses & Play Clothes; 5 learners (75% of the applicable hourly minimum wage); February 27, 1942.

Manheim Manufacturing Company, 35–41 South Spring Street, Elizabeth, New Jersey; Apparel; Dresses; 20 learners (75% of the applicable hourly minimum wage); June 26, 1941.

The George W. Prior Company, 1735 Lawrence Street, Denver, Colorado; Apparel; Shirts & Sport Jackets; 15 learners (75% of the applicable hourly minimum wage); June 26, 1941.

Rob Roy Company, Cambridge, Maryland; Apparel; Boys' Dress Shirts; 5 percent (75% of the applicable hourly minimum wage); February 27, 1942.

Warlong Glove Manufacturing Company, Conover, North Carolina; Glove; Work Glove; 5 percent; February 27, 1942.

Belding Hosiery Mills, Inc., Chicago, Illinois; Hosiery; Full Fashioned; 5 learners; February 27, 1942.

Gilbert Knitting Company, Little Falls, New York; Hosiery; Seamless; 5 learners; February 27, 1942.

J. H. Mittelman Hat and Bag Company, 2807 Merimac Street, St. Louis, Missouri; Millinery; Popular-Priced; 1 learner; August 27, 1941.

N. A. Textile Corporation, Whitman Mill, No. 2, New Bedford, Massachusetts; Textile; Chenille Bedspreads; 5 percent; November 18, 1941.

South Boston Weaving Corporation, South Boston, Virginia; Textile; Ribbons; 12 learners; May 29, 1941.

Troy Manufacturing Company, Main Street, Troy, North Carolina; Textile; Chenille Bedspreads; 30 learners; July 17, 1941.

Signed at Washington, D. C., this 26th day of February 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–1392; Filed, February 26, 1941; 11:36 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6028]

IN THE MATTER OF SECTION 214 OF THE COMMUNICATIONS ACT OF 1934; THE CONSIDERATIONS OF PUBLIC INTEREST INVOLVED THEREIN; THE APPLICATIONS THEREUNDER FOR CERTIFICATES OF AUTHORITY TO EXTEND LINES; CERTIFICATES GRANTED BY THE COMMISSION ON SUCH APPLICATIONS; THE TERMS AND CONDITIONS CONTAINED IN SUCH CERTIFICATES; AND WHETHER OR NOT SUCH TERMS AND CONDITIONS HAVE BEEN COMPLIED WITH

INQUIRY AND INVESTIGATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of February 1941;

The Commission having under consideration the above-described subject matter, and;

It appearing from information in the possession of the Commission that in connection with the matter of extension of lines under section 214 of the Act, The Western Union Telegraph Company and Postal Telegraph-Cable Company have or may have resorted in certain instances to wasteful competitive policies and practices in providing unwarranted duplication of services and facilities to individual customers or to the public, resulting in improvident expenditures, unreasonable rates to the public generally, unlawful discrimination, preference, prejudice, advantage or disadvantage and have or may have operated such extended lines and rendered service over or by means thereof to individuals or to the general public

without first having complied with the tariff filing requirements of the Act and the terms and conditions contained in certificates of public convenience and necessity issued by the Commission,

It is ordered, That a proceeding of inquiry and investigation be and it is hereby instituted by the Commission on its own motion into and concerning the extension of lines by The Western Union Telegraph Company and Postal Telegraph-Cable Company under section 214 of the Communications Act and the economic and competitive implications involved therein, for the purpose of aiding the Commission in formulating sound policies with respect thereto and to determine, among other things

I. Whether or not it is in the public interest to permit such extensions when the purpose thereof is to serve a particular customer as distinguished from the general public.

(a) Whether or not the cost of such extensions should be borne in whole or in part by the customer;

(b) Whether or not service to such individual customers has been in strict accordance with tariff schedules duly published and filed as required by law;

(c) Whether or not unlawful preference, prejudice, advantage, disadvantage or discrimination has resulted from such extensions and the charges to such customers served by means of such extended facilities;

(d) Whether or not the cost of such extensions and the expense incident to the operation of such extended facilities have been justified from the economic point of view or have resulted in losses in revenue, to the detriment of users of telegraph service generally.

II. With respect to extensions for the purpose of serving the general public at new points

(a) Whether or not the competitive considerations have been permitted to overrule sound economic considerations, with resulting waste and improvidence in providing duplicate telegraph services, contrary to the public interest;

(b) Whether or not said carriers have strictly complied with the terms and conditions contained in certificates of public convenience and necessity issued by the Commission under Section 214 of the Act, with respect to serving the general public at such new points and with respect to revisions of tariff schedules governing rates to and from such new points;

(c) The particular considerations pertinent to and that should be decisive of the question as to whether public interest, convenience or necessity will be served by the authorization of competitive service at points already adequately served by another carrier.

It is further ordered, That The Western Union Telegraph Company and Postal Telegraph-Cable Company be and they are hereby made parties defendant in the proceeding herein instituted;

It is further ordered, That notice of this proceeding be served upon each of the defendants, that a copy be posted in the office of the Secretary of the Commission and that a copy be published in the FEDERAL REGISTER;

It is further ordered, That this proceeding be designated for hearing at 10:00 a. m., on the 4th day of March, 1941, at the offices of the Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-1385; Filed, February 26, 1941; 11:29 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5683]

IN THE MATTER OF OTTER TAIL POWER COMPANY

NOTICE OF APPLICATION

FEBRUARY 25, 1941.

Notice is hereby given that on February 24, 1941, an application was filed with the Federal Power Commission, pursuant to sections 203 and 204 of the Federal Power Act, by the Otter Tail Power Company, a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, having its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the merger and consolidation of the facilities of Central Light and Power Company, a corporation organized under the laws of the State of Delaware and having its principal business office at Harvey, North Dakota, with those of the applicant, and authorizing the borrowing from the First National Bank and Trust Company of Minneapolis, Minneapolis, Minnesota, of $500,000 on applicant's promissory note due on or before one year after date, with interest at 2% per annum, and the subsequent renewal of the unpaid balance at the maturity thereof, for not more than one year; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 13th day of March, 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-1393; Filed, February 26, 1941; 11:38 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 56-85]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY

ORDER DENYING INTERVENTION BUT PERMITTING LIMITED PARTICIPATION IN HEARING [1]

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 25th day of February, A. D. 1941.

The Securities and Exchange Commission having on the 11th day of February, 1941, issued its notice of and order for reopening of the hearing in the above matter;

Leonore H. Johnson having filed an application to intervene in said proceeding, representing that she is a resident of the City of Terre Haute, Indiana, and a consumer of gas distributed in said city by the "Terre Haute Division" of Indiana Gas Utilities Company;

It not appearing from the facts alleged in said application that the applicant has sufficient interest in said proceeding to render her admission as a party thereto in the public interest or for the protection of investors or consumers;

It is ordered, That the said application to intervene be and the same hereby is denied without prejudice to the right of said applicant to renew her application to interevene and to be made a party to said proceeding at a future date;

It is further ordered, That said Leonore H. Johnson shall be permitted to participate at any hearing in this matter to the extent of introducing evidence, cross examining witnesses, filing briefs and arguments and the making of oral argument.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1391; Filed, February 26, 1941; 11:35 a. m.]

[File No. 59-6]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER FOR POSTPONEMENT [2]

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of February, A. D. 1941.

The Commission having on February 21, 1941 ordered that the hearing in the above-captioned matter be reconvened on February 27, 1941 for certain specified purposes; and

[1] Public Utility Holding Company Act of 1938, Section 12 (d), Rule U-12B-1.

[2] Public Utility Holding Company Act of 1935, Section 11 (b) (1).

The United Gas Improvement Company having informed the Commission that Counsel for such company will be unable to appear on such date for reasons beyond his control and having requested, for that reason, that such matter be postponed

It is therefore ordered, That such hearing be, and the same hereby is, postponed until March 6, 1941, at ten o'clock in the forenoon of that day, in room 1102 of the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., at which time the Commission will hear the matters set for hearing under Commission order dated February 21, 1941. All interested parties or persons will govern themselves accordingly.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–1389; Filed, February 26, 1941; 11:34 a. m.]

[File No. 70–261]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, KITTERY ELECTRIC LIGHT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of February, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than March 14, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

New England Gas and Electric Association, a registered holding company, proposes to advance from time to time, on open account, to Kittery Electric Light Company, its wholly owned subsidiary, a sum not to exceed in the aggregate $30,000, at such times and in such amounts as will be necessary to provide funds for the payment of expenditures incurred in connection with budgeted construction for the year 1941. Interest at the rate of 6% per annum will be charged on open account resulting from this transaction. The applicants have designated section 12 (b) of the Act and Rule U-12B–1 promulgated thereunder as being applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–1390; Filed, February 26, 1941; 11:35 a. m.]

[File No. 812–7]

IN THE MATTER OF BRITISH TYPE INVESTORS, INC.

ORDER EXTENDING TEMPORARY EXEMPTION AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of February, A. D. 1941.

An application under section 3 (b) (2) of the Investment Company Act of 1940 having been duly filed with the Commission on October 30, 1940, by the above named applicant for an order or orders adjudging it to be excepted from the provisions of the Investment Company Act of 1940 by virtue of section 3 (b) (2) of said Act; and

It appearing that the previously granted extension of the temporary exemption of the applicant from the provisions of said Act provided by section 3 (b) (2) thereof is about to expire; and

A hearing with reference to such application being herein ordered; and

Sufficient cause being shown to warrant an extension of such temporary exemption;

It is ordered, That the temporary exemption of the applicant from the provisions of said Act be, and the same hereby is, further extended until May 1, 1941, but, if during the period of such extension the Commission by order denies the said application, then such extension shall cease and terminate ten days after personal service or service by registered mail of a copy of said order on the applicant;

It is further ordered, That a hearing on the aforesaid application be held on March 17, 1941, at 10:30 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Sections 40, 41 and 42 of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–1388; Filed, February 26, 1941; 11:34 a. m.]

[File No. 812–14]

IN THE MATTER OF ALLIED INTERNATIONAL INVESTING CORPORATION

ORDER EXTENDING TEMPORARY EXEMPTION AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of February, A. D. 1941.

An application under section 3 (b) (2) of the Investment Company Act of 1940 having been duly filed with the Commission on October 30, 1940, by the above named applicant for an order or orders adjudging it to be excepted from the provisions of the Investment Company Act of 1940 by virtue of section 3 (b) (2) of said Act; and

It appearing that the previously granted extension of the temporary exemption of the applicant from the provisions of said Act provided by section 3 (b) (2) thereof is about to expire; and

A hearing with reference to such application being herein ordered; and

Sufficient cause being shown to warrant an extension of such temporary exemption;

It is ordered, That the temporary exemption of the applicant from the provisions of said Act be, and the same hereby is, further extended until May 1, 1941, but, if during the period of such extension the Commission by order denies the said application, then such extension shall cease and terminate ten days after personal service or service by registered mail of a copy of said order on the applicant;

It is further ordered, That a hearing on the aforesaid application be held on March 17, 1941, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the

hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Sections 40, 41 and 42 of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1387; Filed, February 26, 1941; 11:34 a. m.]

[File No. 812-125-A3]

IN THE MATTER OF THE LEHMAN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of February, A. D. 1941.

The Lehman Corporation, a registered closed-end management investment company having duly filed an application pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting it to purchase during the next ninety days a maximum of 15,000 shares of its own capital stock from persons not affiliated with its management or affiliated persons of such persons at prices not in excess of ¼ point above the last sale on the New York Stock Exchange preceding any such purchase, without payment of any commissions by The Lehman Corporation in connection with such purchase;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the rules of the Commission thereunder be held on March 6, 1941 at 9:45 o'clock in the forenoon of that day in the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esq. or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1386; Filed February 26, 1941; 11:34 a. m.]

[File No. 31-502]

IN THE MATTER OF PAUL SMITH'S HOTEL COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of February, A. D. 1941.

Paul Smith's Hotel Company having filed an application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935, seeking an order declaring it not to be a subsidiary of Daly & Co., Associated Gas and Electric Company, Associated Gas and Electric Corporation, Associated Utilities Corporation, Gas and Electric Associates, Associated Real Properties, Inc., Shinn and Company, The Railway and Bus Associates, Denis J. Driscoll and Willard L. Thorp, trustees for the estate of Associated Gas and Electric Corporation, Mr. Walter H. Pollock, trustee for the estate of Associated Gas and Electric Company, and/or any other company;

The application reveals that Associated Gas and Electric Company interests own beneficially 49.6 percent of the common stock of applicant;

The application represents that the affairs and business of the applicant are controlled by its officers and directors, all of whom, with one exception, are represented as having no connection with the Associated Gas and Electric Company system;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on March 10, 1941 at 10 o'clock on the forenoon of that day at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held;

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's rules of practice to continue or postpone said hearing from time to time;

Notice of such hearing is hereby given to such applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file notice to that effect with the Commission on or before March 5, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1415; Filed, February 26, 1941; 11:51 a. m.]

[File Nos. 31-416, 31-479, 31-490 and 31-502]

PAUL SMITH'S ELECTRIC LIGHT & POWER & RAILROAD COMPANY, ET AL.

NOTICE OF AND ORDER FOR REOPENING OF PREVIOUS HEARING IN ORDER TO EMBRACE HEARING ON AN ADDITIONAL APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of February, A. D. 1941.

Hearings having been previously held on applications of Gas and Electric Associates and Associated Utilities Corporation filed pursuant to section 2 (a) (7) of the Public Utility Holding Company Act of 1935, seeking an order of the Commission declaring applicants not to be holding companies (Associated Utilities Corporation having subsequently been granted the right to withdraw its application and having now registered as a holding company);

Such hearings having been consolidated with a hearing on the application of Paul Smith's Electric Light & Power & Railroad Company, filed pursuant to section 2 (a) (8) of the Act, seeking an order declaring applicant not to be a subsidiary;

Paul Smith's Hotel Company having now filed an application pursuant to section 2 (a) (8) of the Act, a hearing thereon having been scheduled for March 10, 1941;

It appearing to the Commission that it is appropriate and in the public interest and in the interests of investors and consumers that said previous hearings be reopened for the purpose of consolidating the application of Paul Smith's Hotel Company thereto;

It is ordered, That said previous hearing be reopened under the applicable provisions of the Act and the rules of the Commission thereunder, on March 10, 1941 at 10 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, NW., Washington, D. C., for the purpose of consolidating therein the hearing on the application of Paul Smith's Hotel Company.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the said Act and to a trial examiner under the Commission's rules of practice;

Notice of such hearing is hereby given to such applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect on or before March 5, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1416; Filed, February 26 1941; 11:51 a. m.]